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CONCILIATION WITH AMERICA

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EDMUND BURKE

SPEECHES
ON
AMERICAN TAXATION
AND
CONCILIATION WITH AMERICA

Edited by
ARTHUR D. INNES, M.A.

AUTHOR OF "BRITAIN AND HER RIVALS IN THE EIGHTEENTH
CENTURY," "ENGLAND UNDER THE TUDORS," ETC.

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INTRODUCTION.

PART I.

EDMUND BURKE.

§ 1. *Biographical Outline.*

EDMUND BURKE was born in Dublin in 1730, his father being an attorney in good practice. In 1743 he entered at Trinity College, Dublin, where he took his degree in 1748, without special distinction, since he was guided in his studies by his own literary appetites and tastes rather than the correct University curriculum. Two years later he made his appearance in London, having the English Bar in view, but again he followed his own natural aptitude for letters instead of restricting his attention to legal studies.

The first recorded outcome of these pursuits was the publication of his *Vindication of Natural Society*, a skit on Bolingbroke's political philosophy, so ingeniously ironical that in some quarters it was accepted as a sincere exposition of the author's genuine views. This work appeared anonymously, but was followed at no long interval by the famous *Enquiry concerning the Sublime and Beautiful*, an interesting but by no means convincing essay in aesthetics.

In the next year—1757—Burke married, and in due time his son Richard was born. The Christmas of 1758 was a notable date in his life, as on that day he dined for the first time with Samuel Johnson, Garrick being their host. In

1759 he started, in conjunction with the publisher Dodsley, the famous compilation known as the *Annual Register*, to which he continued to be a leading contributor for the rest of his life.

The notice which Burke's writings attracted led William Gerard Hamilton, then Irish Secretary, to give him the post of private secretary in 1761. The next two years were spent in Dublin, and Hamilton obtained him a pension for his services ; but when Burke found that this was looked upon by Hamilton as giving him an unlimited and exclusive right to the use of Burke's time and brains, there was a violent quarrel, Burke throwing up the pension. Returning to London he became one of the earliest members of the "Literary Club" founded in 1764 by Johnson and Reynolds ; remaining always one of the most prominent figures in the Johnsonian circle. It was partly owing to this that he was next year recommended to Rockingham as private secretary on the formation of the Rockingham ministry. From this time forward politics absorbed him. He was provided with a seat for Wendover in the Parliament which opened in Jan. 1766 ; and though he left Wendover for Bristol in 1774, and Bristol for Melton in 1780, he continued a member of the House till 1794, when he vacated his seat in favour of his son.

In 1763, the Peace of Paris had terminated the great war which expelled the French power from America and from India, and incidentally established a British Mercantile Company as lords of the great provinces of the Lower Ganges and as the dominating force in the Deccan. In this new and growing Dominion Burke at all times took the keenest interest ; and though the sources of his information were sometimes misleading, and brought him occasionally to wrong and unjust conclusions in matters of detail, he had such a grasp of the subject as no one else possessed who had not actually been in India. Whenever Indian affairs were to the fore in England, he played a leading part ; and some of his greatest oratorical efforts are to be found among

the Indian speeches. But it was only at intervals that Parliament turned its attention to the East. In 1766 and for many years to come the American troubles were insistent; since, having driven out our foreign rivals, Britain had already, guided by George Grenville, embarked on the course which made direct for disruption. But the chaos of parliamentary parties, the personal intrigues, the kaleidoscopic permutations and combinations and dissolutions of groups and sections, the King's overt or covert but always unremitting manœuvres to acquire ascendancy, forced themselves upon the politician in Parliament with a persistency which obscured and complicated all other issues. Even Burke himself perforce became not the leader but the mouthpiece of a small and not otherwise brilliant group, which was indeed in power at the moment of his *début* in the House, but after a few months was relegated to the shades of opposition for sixteen momentous years: the years which witnessed a practical restoration of the supremacy of the Crown, when Lord North became Prime Minister in 1770, and the loss of the American colonies. To these years belong Burke's pamphlets on *The State of the Nation* (1769), and *The Present Discontents* (1770), with the two great speeches contained in this volume, (1774 and 1775), and the *Letter to the Sheriffs of Bristol* (1777).

The fall of North's ministry in 1782 compelled the King to send for Rockingham, under whom Burke took office as Paymaster of the Forces. Charles James Fox and Shelburne were the Secretaries of State. Four months later, Rockingham died; Shelburne became Prime Minister. Fox, Burke, and others resigned, and early the next year the world was astonished by a coalition between Fox and North which drove Shelburne out of office, and provided a new ministry with Lord Portland as its nominal head. Burke again became Paymaster, but again the administration—owing this time to the action of the King and his friends in the House of Lords—lasted less than a year. Young William Pitt accepted the post of Prime Minister, and on the dissolution

in the spring of 1784 was returned to power with an overwhelming majority behind him.

Until the French Revolution created a hopeless breach between them, Burke and Fox worked together in the closest political union. Fox's India Bill of 1783 had brought about the downfall of the Coalition ministry. It had itself been the outcome of the anomalous conditions under which for ten years Warren Hastings had striven to establish the British dominion on a secure basis. Indian affairs came to the front. Burke was active against Hastings, who had been recalled. His great speech on the *Nabob of Arcot's Debts* was made in 1785, and that on the *Impeachment of Warren Hastings* in 1787.

But with 1789 came the French Revolution; and from that time to the end of his life Burke's whole soul was absorbed in combating that Revolution and its children. From 1790, which saw the publication of the *Reflections on the French Revolution*, to 1796 when the *Letters on a Regicide Peace* appeared, hostility to it was the keynote of all Burke's utterances, and the former champion of American and British liberties became the foremost champion of every institution which in the name of Liberty the forces now let loose were threatening to sweep away. But a personal loss which fell upon him in 1794 so crushed him as undoubtedly to shake his vast intellectual powers: his son Richard, in whom all his hopes were centred, dying in that year. Three years later, in July, 1797, he followed his son to the grave.

§ 2. *Appreciation.*

The fame of Edmund Burke rests upon his achievement as a political thinker and as an orator. Neither his non-political essays in literature nor his record as a party politician in the House of Commons would entitle him to a place in the front rank, even of his contemporaries in those fields of energy. But his printed speeches and disquisitions on political affairs, whatever faults may be found in them, remain

as a storehouse of wisdom, and as masterpieces of rhetorical exposition.

This holds good in spite of the apparent paradox that persons holding the most antagonistic views on current questions find eloquent justification for their doctrines in his pronouncements, and the attitude of his later years is often held to be in flat contradiction to his earlier position. The paradox is more apparent than real. Burke himself was absolutely sincere in the conviction of his own essential consistency throughout his career. As a Whig of the Revolution, he fought the coercive and monarchical policy of a Grenville, a Townshend, or a North; as a Whig of the Revolution, he fought what seemed to him the violent and anarchical principles with which the new Whigs were being inoculated by the new Revolution in France. "Return to the old paths" is the burthen of his appeal on behalf of Conciliation with America; "stand fast in the old ways" is the burthen of his appeal *from the new to the old Whigs*. As a matter of course, the attack from a new quarter demands a change of front; but that does not involve a shifting of the ground. Unless we are prepared to maintain that the Revolution of 1789 was the logical corollary of the Revolution of 1688, no inconsistency is implied. The ancient liberties were threatened by one class of innovators; the ancient authorities by another; to both Burke was in unqualified opposition—to the first strenuously, to the second passionately.

We are not here concerned with the question whether Burke was correct in his diagnosis of the motives of the French Revolution or in his estimate of its tendencies. The point is that having arrived at that diagnosis and that estimate, the principle which had led him to support the American colonists drove him with a yet fiercer urgency to battle with all his might against it; in spite of the fact that Boston and Paris alike appealed to the sacred name of Liberty.

More than once a parallel has been drawn and more than

once challenged, between this change of front on Burke's part, and the change of front on the part of Erasmus and his English friends, notably Sir Thomas More, when Luther rose up against the Papacy. The parallel holds. So far as he recognised in the ecclesiastical system innovations on the pure teaching of the Church, More was a Reformer: he desired to go back to the ancient ways. But when among the innovations Luther included doctrines which in More's eyes were fundamental, and when in Germany an attempt at a social revolution was ostensibly based on the new teaching, the author of the *Utopia* adopted a line which classed him with the reactionaries, and he who had made Toleration a first principle in his ideal Commonwealth was fain to crush heresy by the heavy hand of the Law. More stood for the Church as Burke stood for the Constitution. He would have had Clerical innovations done away, as Burke would have had Tyrannical innovations done away. But when a new set of innovations threatened, which seemed to cut at the roots of all lawful authority, he like Burke found the new danger more appalling than the old. The principle, the motive, actuating both men was the same. Whether the judgment of both was equally at fault may be matter of opinion; but an error of judgment does not involve inconsistency of principle¹.

Here then is to be found Burke's cardinal rule: in a dread of innovation. If there are tares among the wheat, we are not to drag them both up and sow the field afresh; it is better to let the wheat and the tares grow together. If it be practicable to weed out the tares, good; but in any case, the wheat must not be destroyed in order to get rid of the

¹ It may be noticed in passing, though the remark is not strictly relevant to the point under discussion, that More would have urged a difference between Utopian and European conditions. Authority rested on a different foundation. The Utopians could appeal to no Divine Revelation; the Church, in More's view, most emphatically could. The argument which demanded toleration of diversities in one case ceased to apply in the other.

tares. To escape from the dangerous realm of metaphor; even the reform of abuses, unless they are flagrant, is to be set about with caution; but radical changes, constructive as well as destructive, are inevitably fraught with such danger as in effect to demand prohibition. This may be laid down as Burke's controlling practical principle.

Intimately associated with this principle is Burke's attitude towards all speculative theorising in politics. We live under a system which has stood the test of time; a system not ideally perfect, and containing many anomalies, but still one which has given this country on the whole a government several degrees better than has been enjoyed by any other modern State. It is a compromise based on the fact that human nature is composed of logically discordant elements, that there are diversities of gifts, diversities of mental and moral capacity, in infinitely varying proportions of combination; from which it follows that a certain amount of play must be given to apparently contradictory principles, which cannot be simultaneously carried out to their logical conclusions and at the same time cannot be excluded. Hence there may be a disastrous excess of logic in politics, and the logical perfection of an ideal system or of a scheme of reform is almost enough of itself to carry condemnation. The practical statesman therefore will not turn for guidance to Plato or Harrington or Rousseau. The Constitution is to be maintained not because it is a free system, or a democratic system, or an aristocratic system, but because it has been a natural growth.

This fundamental Conservatism of Burke's—the term is not of course used in a party sense—is obviously a leading factor in determining his attitude to the French Revolution. It is necessarily less so in connexion with Indian affairs, for the position of a British Government on Indian soil was absolutely without precedent. The conditions had no parallel. A huge experiment had been forced upon us, and as a huge experiment it had to be accepted. The Conservatism which set its face against experiments altogether was

here, so to speak, out of court. But it is no less the determining factor in Burke's opposition to what was in effect Tory policy in England and America than in his opposition to Jacobinism. The two speeches in this volume are permeated with it. The right of taxation through representatives only is inherent in the Constitution ; therefore it is to be maintained, as it was maintained by the Barons in the days of King John and by Hampden in the days of Charles I. Grenville's and Townshend's taxes are to be repudiated as innovations. We never treated the colonists so before 1764. The taxes are an experiment, exemplifying in a very palpable manner the danger of experiments ; and not the less dangerous because they can be defended as the logical corollary of imposing trade regulations. Trade regulations are a part of Constitutional practice ; taxes are not. The appeal to logical consistency is irrelevant in the eyes of a practical statesman.

Now this Conservatism is in no wise opposed to Reform, that is, to the removal of abuses. On the contrary, wherever it recognises an abuse it seeks its abolition ; for an abuse, even though of long standing, is in the nature of an innovation ; not a natural growth but a disease. On the other hand it declines to condemn anomalies as abuses merely because they are anomalous, since a development which did not produce anomalies would *ipso facto* stand condemned as unnatural and in some degree vicious. Besides, the weapon with which you attack an anomaly as such, is apt to prove two-edged. If, for instance, you claim the right of Taxation as a corollary to that of Trade regulation, you may be answered by a repudiation of the right of Trade regulation. But any encroachment on authority or on liberty is—with due precaution—to be done away.

Beyond all question, then, Burke was in his own eyes a Reformer ; one who had no notion of standing still : least of all a reactionary. That he was a reformer in practice is moreover amply borne out by the plain facts. Most of his life, he was actually fighting abuses which had already

become, or threatened to become, established. And for the greater part of the time, these were the abuses of power and privilege, curtailments of liberty, corruptions of justice. But in his later years he was fighting against abuses which threatened to come in from the other side; abuses which in his view involved a danger to the lawful Authority which is the complement of Liberty. He examined the history of the British State and of other States; and he found therein the guiding principle that the condition of a healthy government lies in Authority acting under restraints and with a sense of responsibility. The innovations, those alike which tend to subvert authority and to remove its restraints, are a danger to the community; and these alone are the abuses which a reformer will recognise and deal with, if he is to deserve the name of statesman.

It will of course be observed that when in practice we descend from the general proposition to the particular exemplification, the problem which the statesman has to decide is precisely whether the specific measure is a proper or an improper exercise of authority, or whether it is subversive of authority or a necessary check on it. When that is settled, his decision, on Burke's principles, will be unhesitating. And in settling that problem, the same principles come into play. He must not isolate the immediate question and accept the logical conclusion then arrived at; he must also be alive to its bearing on other questions and have a thorough grasp of its inception—how it came into being at all. The statesman must in other words be a historian, since history is the record of National experience. Otherwise he is a mere empiric.

The word "growth" has appeared with some frequency in the foregoing pages, and it may have occurred to the reader that Burke's theory leaves no room for growth. It may seem that we are advised to resist all change. If truth were to be found in a simple aggregation of concrete facts, that would be so. We should say "thus and thus did our fathers, and what they did we will do also." Truth, however,

does not lie in the concrete facts, but in the spirit, the motives which brought them into being. Our fathers acted in a certain way, having certain ends in view. Conditions change, and the same ends can no longer be achieved by the same methods ; often the methods adopted were inadequate to the ends sought, *ab initio*. The methods therefore must change with the conditions ; we acquire an Indian Empire, actuated by the same motives and the same principles which (let us say) caused our forefathers to challenge the power of Spain ; but under conditions, and therefore by methods, which have no precedent or parallel. Our forefathers indeed burnt heretics, whereas we have granted toleration to dissenters ; but again, it is because conditions changed ; facts not recognised by them have become known to us, which prove persecution to be an abuse of authority—a misdirected effort to secure an end only to be achieved by toleration.

Thus the misapprehension of causes is a source of error far more dangerous even than a deficient knowledge of the concrete facts. The true Conservatism finds its complement, not its negation, in the rectification of methods and their adaptation to altered conditions, whether these be of increased knowledge or of external circumstances. Concrete facts are merely superficial truths ; the essential truths are in causes, motives, principles. These are the subject-matter of the statesman's studies. It is from his own grip of these fundamentals that Burke towers over all but a very few of his own contemporaries in his treatment of contemporary problems ; it is this which makes him a political prophet (in the correct sense of the term—not a foreteller) not only in respect of the specific problems for his own day, but for all time.

Moreover this greatness of his is in like manner marked, when we turn to those other fields of politics in which questions of Conservatism and reform do not present themselves, or do not hold the ground exclusively. The appeal is to experience. For instance, apart from the question whether Conservatism justifies Taxation of the colonies is

that whether such taxation should be enforced at the sword's point; to which Conservatism as such offers no reply. But experience shows the impracticability of the method, and an examination of experience shows why it must be so, as setting vital moral principles at nought. And thus we reach the root of the matter. The glory of the past and the promise of the future depend on the recognition of moral principles. The maintenance of our liberties, the confirmation of authority, the expansion of dominion, are the outcome of moral ideas of which the statesman must never lose sight. However practical his methods, they are vain unless they are directed to moral ideals; however noble, on the other hand, are his ideals, they are but dreams unless his methods are practical, i.e. based on experience. The consummation of vanity is reached when the aims are not ideal but material, and are sought by methods not practical but empirical. Sound analysis, practicality of method, and moral elevation, are the three conditions of statesmanship; but the last is the least obvious; and it is the glow of the last which preeminently illuminates the political thought of Edmund Burke.

It is a commonplace that Burke's speeches in Parliament did not draw members to listen to them but rather tended to empty the House. The art of the Debater, which achieves more victories in such assemblies than any other form of oratory, is essentially and deliberately superficial, and men may become efficient debaters by sheer persistent dogged practice. Its purpose is already served when the House divides. Debating speeches may survive as brilliant examples of rhetorical artifice, but it is only by accident that they contain anything of permanent value. There is a somewhat different order of oratory which appeals to great assemblies; emotional and picturesque, its object is to arouse immediate and passionate sympathy; permanence of effect is not essential. Such oratory too survives, if it survives at all, in representative instances of supreme skill. Shakespeare has given us what might have been Mark Antony's

funeral oration, a piece quite unsurpassed in its kind; but the speech itself perished.

Burke's speeches belong to a wholly different order. They are in the form of addresses, but their conception is literary. They may be read and re-read with ever-increasing admiration and effect. Even the distinguishing, the most characteristic features of style and method, are equally prominent in those of Burke's political writings which were not orations at all. The speeches invite, they demand, study and thought. Study and thought may reveal blemishes, but bring also more decisive conviction. The orator who wishes to produce the maximum of effect on the listening audience can afford to be unconvincing to the student, but his efforts have no permanent value. But permanence is Burke's distinctive characteristic. The value of the speeches in this volume--apart from their purely historical interest--was not exhausted when the Taxation and the Conciliation of the American Colonies vanished for ever from the field of politics; they are expositions of undying political truths, applicable to problems which may confront us as well in the twentieth century as in the eighteenth.

Orations they are, and orations which did in fact impress the listeners as many of Burke's speeches did not; but as intellectual productions, they belong essentially to the same category as the "Thoughts," "Reflections," and "Letters," only with those modifications of method demanded by the form of spoken addresses.

PART II.

HISTORICAL SURVEY OF RELATIONS WITH THE AMERICAN COLONIES.

§ 1. *Prefatory.*

THE two speeches of Edmund Burke which are presented to the reader in this volume, were made within twelve months of each other ; the first in April, 1774, the second in March, 1775. Four weeks later, the first shots in the War of Independence were fired, at the skirmish of Lexington. In the speeches, Burke not only reviews the situation at the time when they were pronounced ; he also discusses in detail the stages of the quarrel, and goes with some fulness into the relations between the Mother Country and the Colonies before the quarrel began. But Burke's audience had most of them taken an active and interested part in the quarrel itself, which had been in progress for eleven years. He dealt almost entirely with facts which were within the personal knowledge of every man who listened to him, or read the speeches when they were published. To-day, those who are not already familiar with the whole story will find it of advantage to have it presented to them with an object different from the orator's ; the object not of persuading or convincing, but solely of elucidating the subject of discussion.

§ 2. The birth and growth of the American Colonies.

When Queen Elizabeth died in 1603, England had won the dominion of the seas from Spain; but as yet she had established no colony. Sundry attempts had indeed been made by Humphrey Gilbert and Walter Raleigh, but every settlement made had for one reason or another been wiped out in a year or two. Few were they who had grasped the idea of a greater England beyond the seas: the New World was regarded as a field for adventurers, whose conceptions hardly went beyond the raiding of Spanish settlements and treasure-fleets, or illusory searches for the fabled El Dorado, the golden city of Manoa.

But the Commercial instinct was not long in evolving the idea of exploiting the natural resources of the new lands by other means than those (which satisfied the Spaniard) of extracting precious metals from the soil. In 1606 a Company was formed under a charter to establish a settlement which took possession in Virginia in 1607. The new community had a regularly elaborated form of government laid down in its charter, under the ultimate control of the Crown and a Council in London, the actual administration being in the hands of a Resident Council.

In its first stages, the administrators of the Colony were appointed and sent out from home; but in 1619 the need of a real self-government had become apparent, and an Assembly of Burgesses was instituted. Six years later, the Constitution was revised. The Governor and Twelve Assistants were still appointed from home; but some of the Assistants were colonists, and the functions of the Assembly of Burgesses were enlarged. England had enough to do with her own troubles in the growing struggle between the Crown and the Parliament, and Virginia was left more and more to look after her own affairs. In effect the Colony consisted of landed proprietors born of English gentry, loyal Church of England men, and essentially aristocratic in tone and character.

Between 1620 and 1630 the Northern group of New England colonies was established by Puritan settlers who were allowed to regulate their form of worship. The Stuart Kings and their advisers were well enough pleased to be rid of them, and they were for the most part left contemptuously alone to work out their own fate after their own fashion. In due course, other regions were taken up; those to the south, akin to the Virginian type—Church of England landowners who worked their own plantations with negro slaves; those to the north, Puritan and democratic, presently absorbing the Dutch colony which became the province of New York, and including the Quaker Colony of Pennsylvania. The thirteen colonies occupied the whole east coast of North America from Florida on the south to the French territories of Acadia and Canada on the north, bounded in effect on the west by the Alleghany Mountain chain; and lived perpetually—on some at least of their borders—on guard against the great tribes of the Red men.

At the beginning, no regulations fettered their commerce; practically they were allowed to import and to export as they chose. But under the Commonwealth, Cromwell's Navigation Act required that no goods should be landed in English ports unless they were carried in English ships: the aim of the Act being the destruction of the Dutch carrying trade and its appropriation by England: and this regulation was extended to the Colonies. In this and subsequent Navigation Acts, the principle was carried further by forbidding exports from America except to English ports, or imports to America except from English ports. All this being done primarily in the interest of the English marine, and secondly in that of the English mercantile body, was regarded as a perfectly legitimate operation in the regulation of trade. It was a vast measure of Protection for English merchants and shippers, securing them an exclusive market, and it restricted the Colonial markets correspondingly. But the restriction was not felt as an intolerable grievance, since in effect England in return guaranteed the defence of the Colonies against foreign

enemies, while towards that defence no direct contribution from the Colonies was demanded. After 1707, "Britain" and "British" take the place of "England" and "English."

The Commercial regulations then were acquiesced in ; still the acquiescence was undoubtedly in great degree due to the facilities for evading them, and to a convenient blindness on the part of Governors and officials. An immense contraband trade was habitually carried on by the most respectable of citizens, whilst the authorities shut their eyes.

The whole Colonial situation was however controlled by the fact that at either end of the British territory lay the French territories of New France (Canada) and Louisiana with their great rivers, the St Lawrence and the Mississippi. Westward, beyond the Alleghanies, no European Power yet held sway. In the earlier half of the eighteenth century, the English Colonists looked on themselves as the legitimate inheritors of this vast *hinterland*; the French, on the north and on the south, were equally determined to join hands and absorb it themselves, thus threatening completely to cut off all possibility of British expansion. The French colonies had the power of France behind them ; the French Government was interested in their progress ; and, under such conditions, the bare idea of a revolt of the English Colonies from the Mother Country, even had the control exercised been infinitely more oppressive, would never have entered the head of any sane Colonial politician.

But all this was changed in the middle decades of the century. The rivalry of the British on one side, and of France and Spain on the other, in India, in North America, and in the South Seas, reached the acute stage when war provided the only possible arbitrament. At the outset, Spain and Britain alone were involved ; in 1744 France took up arms ; in 1746, the French and British East India Companies had begun a struggle *à outrance*. In 1748 the contest between the great Powers was formally suspended by the Peace of Aix-la-Chapelle ; but in India the same contest passed through its really decisive stage between 1749 and

1754; open war again broke out in 1756; and in the meantime, both during the avowed war and during the professed peace, active hostilities had been going on between the French Canadians and the English Colonists.

Then from 1756 to 1763 the protagonists were at close quarters. In 1757, William Pitt became the real chief of the British administration, and the British arms swept from triumph to triumph, while the French monarchy exhausted itself by a simultaneous struggle on the Continent with Frederick the Great of Prussia. Wolfe captured Quebec, and Hawke crushed the French fleet at Quiberon in 1759, and Eyre Coote administered the *coup-de-grâce* in the Carnatic. When the war was ended, Bute, in the brief but destructive day of his predominance, flung away much that Britain had won. But Canada remained with England; France had no longer a foothold in America, and would never have the chance of making an effective invasion until she could so restore her ruined navy that it should sweep the British fleets off the seas. The French subjects of Britain in Canada might make trouble, and the Red Indians might breed temporary dangers; but for practical purposes, a complete reversal of the European situation would be necessary before the Colonists could feel active dread of a foreign foe or meet with active interference in the expansion westwards.

§ 3. *George Grenville.*

Before the end of the war Pitt had resigned office; Newcastle, discontented at the loss of patronage which had been absorbed by the young king's favourite, Lord Bute, followed Pitt's example after some months; and for about a year Bute was supreme. The Peace of Paris however had hardly been signed when he too retired; and George Grenville became Prime Minister.

Grenville had been Treasurer of the Navy under Pitt's administration, and a Secretary of State under Bute. His character is effectively portrayed by Burke in the following

pages. A master of forms and precedents, a quite excellent public official, he was wholly devoid of the imagination, the sympathy, and the tact necessary for one who was to control great destinies at a critical time.

At the outset Grenville found himself very thoroughly occupied by his personal difficulties with George III—who could not endure the man while in complete accord with his policy—and over the first Wilkes disturbance. But in 1764 he devoted his attention to the Colonies; with woeful consequences.

We have seen that the Americans, having before them the perpetual danger of a stubborn conflict in which the whole power of France might be brought into play against them, acquiesced—though not without irritation—in the Navigation Acts and Customs Duties imposed on them by the Mother Country in the interests of British shippers and merchants: and that, while they found these restrictions a burden, that burden was at least made tolerable by the official laxity in regard to a contraband traffic which had attained huge dimensions. We have seen that by the annihilation of the French power in America, they had just been relieved from the one condition which forced them to accept a state of dependence on the Mother Country and of subservience to her interests. To this must be added the fact that, superficially at least, a very warm feeling towards Britain and to the statesman who had won this triumph had been engendered amongst them. Under such circumstances, the natural course for a wise statesman would have been to foster this sentiment and to use it as a means to obtaining by Acts of Grace some return for the blood and treasure expended by Britain with such beneficial results for the Colonies.

To the strictly official intelligence of George Grenville no such consideration presented itself. Even while he was Treasurer to the Navy he had been horrified by the immense prevalence of the contraband trade and had cried out for the strict enforcement of the Navigation Acts and the suppression

of smuggling. The war left him with a fixed conviction that France would seize the earliest opportunity to attempt the recovery of her American territories, an anticipation which, in his view, demanded the establishment of a standing army on American soil: for it did not occur to him that any such attempt would be foredoomed to certain failure so long as Britain could hold her own on the seas. Also the war had saddled Britain with a huge debt, and he remarked that the Colonists who had most of all reaped the benefit had contributed only a fraction to the expenses, while there existed no cut-and-dried method by which they could be invited to make the deficiency good. For he did not recognise that the British expenditure had in great part at least been only the practical return for the restrictions on Colonial trade which had been so profitable to the community at home for a century past.

To Grenville therefore it appeared imperative to put an immediate end to the lax administration of the existing Customs, and to require a contribution from the Colonies, primarily with a view to the establishment of a standing army on American soil. Some colour had just been given to this demand by an Indian outbreak, in which the Militia of the Colonies had shown a marked inclination to leave the burden of suppression to the Regulars.

Accordingly, in 1764, instructions were issued for waging war on the contraband traffic, and vessels and officers of the British Navy were requisitioned to supplement the ordinary revenue service. A list was made of additional articles on which duty was to be levied, accompanied by the express statement that the measure was introduced for the purpose of raising revenue. And beyond this it was announced that the British Government had it in mind to impose a stamp tax, and would like to know what the Colonies thought about it. When the Colonies made their opinions on the subject perfectly clear, Grenville regretted that he could not accede to their views: almost unnoticed and undebated in England, the Stamp Act was passed, receiving the Royal Assent in March, 1765.

Another Act was also passed, providing for the quartering on the Colonies of the British troops in America.

The Stamp Act was not the cause of the revolt of America ; but it gave practical legal expression, at a critical moment, to the attitude of mind in England which made the revolt of America inevitable.

The Royal Assent to the Stamp Act was given only by Commission ; for the king was incapacitated by an attack of that malady which so pitifully shadowed his later years. Hence a Regency Bill was brought in, with a view to carrying on the Government in case of his prolonged illness. This Bill was the cause of a final and irremediable quarrel between the king himself and George Grenville. Once before, in 1763, George had appealed to Pitt to form a ministry and rid him of Grenville. The attempt failed then, because Pitt conceived himself to be under such obligations to Lord Temple as required him to put forward the condition that Temple should be associated with him. It failed now for the same reason ; but the king, resolved to be rid of the obnoxious minister at any price, appealed in his despair to the old Whigs who had been driven out when Bute came in. In the autumn a ministry was formed by Lord Rockingham, with whom Edmund Burke—as yet without a seat in Parliament—was thereupon associated as private secretary. A seat was immediately found for Burke, who made his first appearance in the House when the Session opened (Dec. '65—Jan. '66).

In the meantime, Colonial feeling had become violently excited. The measures of 1764 had aroused no little resentment, and the watchword "No taxation without representation" began to pass from lip to lip. The mere oppressive regulation of trade, men said, they could tolerate within reasonable limits ; no one would dispute that, if the British Parliament chose to make such regulations, they were within their rights. But taxation for Revenue was another matter ; whatever Colonial Charters might say, there was in practice no precedent for it, and the principle involved, which the

Colonists now asserted as a fundamental part of the British Constitution, was precisely that in support of which John Hampden had, more than a century ago, challenged the Crown in the name of Popular Liberty. Taxation could be imposed only by the Representatives of the taxed; a Parliament in which America was unrepresented could have no Constitutional authority to tax Americans.

When in 1765 the Stamp Tax was added, the argument from precedent was strengthened, and the opposition intensified. After all, customs duties had been habitually imposed, though not hitherto for revenue purposes; there might be some colour of excuse for their extension. But here were inland taxes being imposed without precedent, and for a purpose without precedent or justification—in no conceivable way could they be interpreted as being for the benefit of trade.

Massachusetts took the lead, inviting the other States to send delegates to a General Congress to be held at New York in October—the month before that in which the Stamp Act was to come into force. Riots began; various persons were burnt in effigy: the men who had been appointed stamp-masters, to carry out the Act, if they did not make haste to resign their posts voluntarily, found it necessary to do so for their own safety's sake after making a decent show of resistance. Nine Colonies sent their delegates to New York; six of them signed a petition to the king and a memorial to Parliament, adopting an advanced position in the denial of the Parliamentary power of taxing the unrepresented. On November 1, when the Stamp Act came into force, there were no stamp-masters, and no stamps, and, in many places, copies of the Act were carried in procession and publicly burnt.

§ 4. *The Rockingham Ministry.*

Such was the news that was finding its way to England during the months that passed between the formation of the Rockingham ministry in the late summer and the meeting of

Parliament—to hear the address in December, 1765, and to begin active business on Jan. 14th, 1766. The ministry, containing many men of sound sense and sober views, included no man of conspicuous ability. Pitt, who might have been a tower of strength, persisted in remaining outside; Burke was in a completely subordinate position and had no Parliamentary experience. The king, and the political group known as the "King's Friends," were in political agreement with the opposing school in spite of personal discords. On the question of the moment, however, the mercantile community was suffering so severely, from the dislocation of trade and the retaliatory non-importation tactics now being pursued by American Associations, that they were eager for a restoration of harmony, and Pitt was known to be ready to champion the American cause. Thus supported, ministers resolved to repeal the Stamp Act *in toto*, while, in opposition to Pitt's judgment, they conciliated the king's party and enabled Parliament to "save its face," by coupling with the Repeal a Declaratory Act, affirming that the power of taxation was nevertheless vested technically in the British Parliament—regarding it, as Burke tells us, as a right which might conceivably require to be exercised under extraordinary emergency, and therefore not to be formally abrogated. Both the Acts were passed by decisive majorities. At the same time the existing Trade Duties on many articles were largely reduced; with the effect of bringing a considerable increase to the revenue, partly owing to the extended demand, partly to the diminution of smuggling in respect of those articles.

For the moment America was undoubtedly pacified. The repeal was a striking victory; the Declaratory Act might be ignored, until its principle should again be dragged out of the sphere of abstract theory and intruded into the domain of practical politics. But the whole question of taxation, the taxation acquiesced in during the past as well as the new taxation proposed for the future, had been wantonly brought under scrutiny, and it may be doubted whether in any case

it would have remained undebated and unchallenged for any great length of time. As a matter of fact, however, it was not the Colonists who reopened the quarrel.

Ministers had done the best thing that it was possible under the circumstances to do; but they had effected it by a temporary combination of discordant elements. They had among them no commanding or coordinating personality; Pitt and his immediate following still stood aloof; the king's friends were already thirsting to be rid of them, and their position was far too precarious to last. Once again King George sent for Pitt, to implore him to take up the burden of Government: and this time Pitt consented.

§ 5. *The Grafton Administration.*

The new ministry is vividly and sarcastically described by Burke. Pitt attempted to put in practice his favourite theory of Government without Party. There were in it personal adherents of his own, such as Pratt, who became Lord Camden, and Shelburne. There were members of the Rockingham group, such as Conway and Grafton, who was nominally at the head of the administration; there were King's Friends; there were members of every Whig section; and there was Charles Townshend as Chancellor of the Exchequer, versatile, brilliant, wholly without ballast. Then Pitt destroyed his own influence in the country by accepting the Earldom of Chatham; his position as the Great Commoner vanished. And to make disaster certain, the gout from which he suffered terribly attacked him with a virulence which totally wrecked his nerves and his capacity for business. The Chatham administration was an administration without Chatham.

Townshend immediately took the lead; his colleagues were either in actual sympathy with his views, or else were as sheep having no shepherd, and were persuaded into supporting or at least not openly opposing him. Townshend announced his adherence to the theory of the Stamp Act and

of taxing America for Revenue; and he proceeded forthwith to impose fresh import duties. Five of the articles chosen were trivial; the sixth was of considerable commercial importance, but acquired a preposterously exaggerated significance because it was selected as emblematic of a principle. A tax was laid at the American ports on tea.

Even that tax did not actually impose any additional burden on the Colonists: for it was accompanied by a drawback on embarkation at the British ports. On the other hand, the whole revenue estimated as likely to accrue from the new taxes was merely £40,000. As a question of pounds, shillings, and pence, the thing was almost too insignificant for discussion. But it implied that the status of the Colonies was one of subjection; that they were without those rights of citizenship for which Hampden had fought. The effect of the repeal of the Stamp Act was wiped out.

Within a very few months of his fatal achievement—Sept. 1767—Charles Townshend died: but the policy of the ministry remained. Some of its members were restive; and Lord Hillsborough, an uncompromising supporter of Townshend, took Shelburne's place as Secretary for the Colonies. Lord North took the place vacated by Townshend. There was a General Election in 1768, and ministers were returned; but Wilkes was returned for Middlesex, and the consequent battle of the Middlesex elections absorbed parliamentary attention. Near the close of the year Shelburne resigned, and was immediately followed by Chatham himself.

In the meantime, however, the new taxation had produced its natural result in America. As usual, Boston took the lead. The Massachusetts Assembly drew up a petition to the king, and also a circular letter for publication in England, moderate in tone but emphatically protesting against Parliamentary Taxation. Such legitimate action was accompanied by the revival of non-importation agreements and associations, and by an openly paraded defiance of the Custom-house authorities. One after another, the Colonial Assemblies passed resolutions condemning the action of the

British Government, and were dissolved. Massachusetts, deprived of its Assembly, called a Convention to take its place: and when troops arrived from England, requisitioned by Governor Bernard, Boston refused to quarter them.

Parliament responded early in 1769 by addresses condemning the conduct of the Colonies, and by the notable resolution introduced by Bedford advocating the application of a law of Henry VIII for the removal of the trial of offenders under the Treason Laws to England: a proposal which violently inflamed American sentiment. The Cabinet, however, now arrived at the amazing decision formulated in Lord Hillsborough's letter, cited by Burke, to withdraw five out of Townshend's six taxes, but to retain that upon tea. About the turn of the year Grafton and Camden both resigned, and Lord North became Prime Minister.

§ 6. *Lord North's Administration.*

It was a mere accident that the inauguration of the new Government in England, and the repeal of the five taxes foreshadowed by Lord Hillsborough, were accompanied by an unfortunate affray in Boston, where some of the British soldiery, under severe provocation, fired on the mob, killing three men and wounding others. Even a Boston jury practically acquitted the troops, which was to their credit; nevertheless the incident was magnified by demagogues and by the popular voice into a "massacre"; and as the Boston Massacre it holds its place in history.

After this, however, there followed a lull—but it was only superficial. In 1772 a royal schooner, named the *Gaspee*, in pursuit of a smuggler, ran into shoal water and was boarded and burnt, at Providence, Rhode Island. The Colonists stubbornly refused to buy the tea which it was attempted to import. Correspondence Committees were established everywhere—beginning with Boston—during 1773, for the purpose of conducting an organised opposition to the official government. In sundry ports no tea from England was allowed to

be landed; and finally on Dec. 16, 1773, the tea-ships in Boston harbour were deliberately boarded and emptied into the sea in the presence of an applauding multitude. The feeling on both sides, in England as well as in America, had been greatly embittered by the very questionable conduct of Benjamin Franklin, who was at this time in London as agent for four of the Colonies. Hutchinson, who had followed Bernard as Governor of Massachusetts, and his kinsman, the Chief Justice Oliver, in private correspondence with George Grenville's secretary, Mr Whately, between 1767 and 1769, had expressed their views on the situation with frankness. After Whately's death, those letters, by some unexplained means, indubitably illicit, passed into Franklin's hands. Hutchinson and Oliver, both Americans but both loyalists, were already unpopular. Franklin sent the letters to America where they were published; arousing violent indignation against the Governor and the Chief Justice, while in England people did not hesitate to describe Franklin's action in the most opprobrious terms.

The result was that early in 1774 four Acts were passed in England, all of a coercive character. Three of these were directed specifically against Massachusetts and Boston. The first was the Boston Port Act: closing the port entirely, and forbidding therein the discharge of any cargoes whatever. The next removed from Massachusetts the trial of any officer of Justice or otherwise, against whom indictments should be brought for acts done in the discharge of his public duties. The third practically cancelled the Massachusetts Charter. The fourth was a general Quartering Act, passed at the instance of General Gage on his appointment as Hutchinson's successor in the Governorship of Massachusetts. A fifth Act also caused great offence in the Colonies, though the measure in itself was wise and legitimate. This was the Quebec Act, regulating the Province of Canada largely on the lines of the French system to which the great mass of the population were accustomed, and virtually establishing the Roman Catholic religion of which they were in the main adherents.

But the Puritan and Democratic States of New England not unnaturally took alarm both at the religious and the political constitution of the Province which lay in such close proximity to them.

The Boston Port Bill received the Royal Assent on March 31st. In a desperate attempt to effect something to counteract its harshness, Rose-Fuller, on behalf of the Rockinghams, a few days later brought on that motion for the repeal of the Tea Duty in support of which Burke delivered the speech on "American Taxation." The motion was of course badly beaten. Eleven months later, Burke moved his own Resolutions for "Conciliation with America" in the speech which bears that title. In the interval, American resistance had concentrated itself in a "Continental Congress" which met at Philadelphia to draw up a Declaration of Rights, and to denounce the whole series of Government measures. Massachusetts refused to recognise the abrogation of its Charter; when the new Council was called under the new system, most of its members declined or resigned office; the judges were not allowed to sit; and although the Governor cancelled the Writs for the Assembly, the elections were held and the Assembly itself met in the usual way. A Committee of Supplies was formed, and a Committee of Public Safety to organise armed resistance. In England, Lord North, in Feb. 1775, by way of an attempt at reconciliation, moved and carried his proposals for what Burke called "ransom by auction," promising to withdraw all Revenue taxes from such Colonies as should volunteer an adequate contribution to the Exchequer in their place: a proposal so impossible to work that no one in America gave it serious consideration. Three weeks later, Burke's resolutions were rejected; and before another month was completed, the War was initiated by the skirmish of Lexington.

SPEECH
OF
EDMUND BURKE, Esq.,
ON
AMERICAN TAXATION
APRIL 19, 1774.

[Second Edition. Dodsley, 1775.]

PREFACE.

THE following Speech has been much the subject of conversation ; and the desire of having it printed was last summer very general. The means of gratifying the public curiosity was obligingly furnished from the notes of some gentlemen, Members of the last Parliament. 5

This piece has been for some months ready for the press. But a delicacy, possibly overscrupulous, has delayed the publication to this time. The friends of administration have been used to attribute a great deal of the opposition to their measures in America to the 10 writings published in England. The Editor of this Speech kept it back, until all the measures of Government have had their full operation, and can be no longer affected, if ever they could have been affected, by any publication. 15

Most Readers will recollect the uncommon pains taken at the beginning of the last session of the last Parliament, and indeed during the whole course of it, to asperse the characters, and decry the measures, of those who were supposed to be friends to America ; 20 in order to weaken the effect of their opposition to the acts of rigour then preparing against the Colonies. This Speech contains a full refutation of the charges against

that party with which Mr Burke has all along acted. In doing this, he has taken a review of the effects of all the schemes which have been successively adopted in the government of the Plantations. The subject is 5 interesting; the matters of information various, and important; and the publication at this time, the Editor hopes, will not be thought unseasonable.

SPEECH, ETC.

During the last Session of the last Parliament, on 10 the 19th of April, 1774, Mr Rose Fuller, Member for Rye, made the following motion; That an Act made in the seventh year of the reign of his present Majesty, intituled, 'An Act for granting certain duties in the British Colonies and Plantations in America; for allowing a drawback of the duties of Customs upon the exportation from this Kingdom of Coffee and Cocoa Nuts, of the produce of the said Colonies or Plantations; for discontinuing the drawbacks payable on China earthen ware exported to America; and for more 20 effectually preventing the clandestine running of goods in the said Colonies and Plantations;' might be read.

And the same being read accordingly; He moved, 'That this House will, upon this day sevennight, resolve itself into a Committee of the whole House, to take into 25 consideration the duty of 3d. per pound weight upon tea, payable in all his Majesty's Dominions in America,

imposed by the said Act ; and also the appropriation of the said duty.'

On this latter motion a warm and interesting debate arose, in which Mr Burke spoke as follows :

SIR,

5

I agree with the Honourable Gentleman who spoke last, that this subject is not new in this House. Very disagreeably to this House, very unfortunately to this Nation, and to the peace and prosperity of this whole Empire, no topic has been more familiar to us. For ~~10~~ nine long years, session after session, we have been lashed round and round this miserable circle of occasional arguments and temporary expedients. I am sure our heads must turn, and our stomachs nauseate with them. We have had them in every shape ; we have looked ~~15~~ at them in every point of view. Invention is exhausted ; reason is fatigued ; experience has given judgement ; but obstinacy is not yet conquered.

The Honourable Gentleman has made one endeavour more to diversify the form of this disgusting argument. ~~20~~ He has thrown out a speech composed almost entirely of challenges. Challenges are serious things ; and as he is a man of prudence as well as resolution, I dare say he has very well weighed those challenges before he delivered them. I had long the happiness to sit at the same side ~~25~~ of the House, and to agree with the Honourable Gentleman on all the American questions. My sentiments, I am sure, are well known to him ; and I thought I had been perfectly acquainted with his. Though I find

myself mistaken, he will still permit me to use the privilege of an old friendship; he will permit me to apply myself to the House under the sanction of his authority; and, on the various grounds he has measured 5 out, to submit to you the poor opinions which I have formed upon a matter of importance enough to demand the fullest consideration I could bestow upon it.

He has stated to the House two grounds of deliberation; one narrow and simple, and merely confined to 10 the question on your paper: the other more large and more complicated; comprehending the whole series of the Parliamentary proceedings with regard to America, their causes, and their consequences. With regard to the latter ground, he states it as useless, and thinks it 15 may be even dangerous, to enter into so extensive a field of enquiry. Yet, to my surprise, he had hardly laid down this restrictive proposition, to which his authority would have given so much weight, when directly, and with the same authority, he condemns it; and declares 20 it absolutely necessary to enter into the most ample historical detail. His zeal has thrown him a little out of his usual accuracy. In this perplexity what shall we do, Sir, who are willing to submit to the law he gives us? He has reprobated in one part of his Speech the rule 25 he had laid down for debate in the other; and, after narrowing the ground for all those who are to speak after him, he takes an excursion himself, as unbounded as the subject and the extent of his great abilities.

Sir, when I cannot obey all his laws, I will do the 30 best I can. I will endeavour to obey such of them as have the sanction of his example; and to stick to that rule, which, though not consistent with the other, is the

most rational. He was certainly in the right when he took the matter largely. I cannot prevail on myself to agree with him in his censure of his own conduct. It is not, he will give me leave to say, either useless or dangerous. He asserts, that retrospect is not wise; 5 and the proper, the only proper, subject of enquiry, is 'not how we got into this difficulty, but how we are to get out of it.' In other words, we are, according to him, to consult our invention, and to reject our experience. The mode of deliberation he recommends is diametrically 1 opposite to every rule of reason and every principle of good sense established amongst mankind. For that sense and that reason I have always understood absolutely to prescribe, whenever we are involved in difficulties from the measures we have pursued, that we should take a strict review of those measures, in order to correct our errors, if they should be corrigible; or at least to avoid a dull uniformity in mischief, and the unpitied calamity of being repeatedly caught in the same snare.

Sir, I will freely follow the Honourable Gentleman in 2 his historical discussion, without the least management for men or measures, further than as they shall seem to me to deserve it. But before I go into that large consideration, because I would omit nothing that can give the House satisfaction, I wish to tread the narrow 2 ground to which alone the Honourable Gentleman, in one part of his Speech, has so strictly confined us.

He desires to know, whether, if we were to repeal this tax, agreeably to the proposition of the Honourable Gentleman who made the motion, the Americans would 3 not take post on this concession, in order to make a new

attack on the next body of taxes ; and whether they would not call for a repeal of the duty on wine as loudly as they do now for the repeal of the duty on tea ? Sir, I can give no security on this subject. But I will do all 5 that I can, and all that can be fairly demanded. To the *experience* which the Honourable Gentleman reprobates in one instant, and reverts to in the next, to that experience, without the least wavering or hesitation on my part, I steadily appeal ; and would to God there was 10 no other arbiter to decide on the vote with which the 15 House is to conclude this day !

When Parliament repealed the Stamp Act in the year 1766, I affirm, first, that the Americans did *not* in consequence of this measure call upon you to give up the former Parliamentary revenue which subsisted in that country ; or even any one of the articles which compose it. I affirm also, that when, departing from the maxims of that repeal, you revived the scheme of taxation, and thereby filled the minds of the Colonists with new 20 jealousy, and all sorts of apprehensions, then it was that they quarrelled with the old taxes, as well as the new ; then it was, and not till then, that they questioned all the parts of your legislative power ; and by the battery of such questions have shaken the solid structure of this 25 Empire to its deepest foundations.

Of those two propositions I shall, before I have done, give such convincing, such damning proof, that however the contrary may be whispered in circles, or bawled in newspapers, they never more will dare to raise their 30 voices in this House. I speak with great confidence. I have reason for it. The Ministers are with me. *They* at least are convinced that the repeal of the Stamp Act

had not, and that no repeal can have, the consequences which the Honourable Gentleman who defends their measures is so much alarmed at. To their conduct I refer him for a conclusive answer to his objection. I carry my proof irresistibly into the very body of both 5 Ministry and Parliament; not on any general reasoning growing out of collateral matter, but on the conduct of the Honourable Gentleman's Ministerial friends on the new revenue itself.

The Act of 1767, which grants this Tea duty, sets 10 forth in its preamble, that it was expedient to raise a revenue in America, for the support of the civil government there, as well as for purposes still more extensive. To this support the Act assigns six branches of duties. About two years after this Act passed, the Ministry, 15 I mean the present Ministry, thought it expedient to repeal five of the duties and to leave (for reasons best known to themselves) only the sixth standing. Suppose any person, at the time of that repeal, had thus addressed the Minister: 'Condemning, as you do, the Repeal of 20 the Stamp Act, Why do you venture to repeal the duties upon glass, paper, and painters' colours? Let your pretence for the Repeal be what it will, are you not thoroughly convinced, that your concessions will produce, not satisfaction, but insolence, in the Americans; and 25 that the giving up these taxes will necessitate the giving up of all the rest?' This objection was as palpable then as it is now; and it was as good for preserving the five duties as for retaining the sixth. Besides, the Minister will recollect, that the Repeal of the Stamp Act had but 30 just preceded his Repeal; and the ill policy of that measure, (had it been so impolitic as it has been repre-

sented,) and the mischiefs it produced, were quite recent. Upon the principles therefore of the Honourable Gentleman, upon the principles of the Minister himself, the Minister has nothing at all to answer. He stands condemned by himself, and by all his associates old and new, as a destroyer, in the first trust of finance, of the revenues; and in the first rank of honour, as a betrayer of the dignity of his Country.

Most men, especially great men, do not always know their well-wishers. I come to rescue that Noble Lord out of the hands of those he calls his friends; and even out of his own. I will do him the justice he is denied at home. He has not been this wicked or imprudent man. He knew that a repeal had no tendency to produce the mischiefs which give so much alarm to his Honourable friend. His work was not bad in its principle, but imperfect in its execution; and the motion on your paper presses him only to compleat a proper plan, which, by some unfortunate and unaccountable error, he had left unfinished.

I hope, Sir, the Honourable Gentleman who spoke last, is thoroughly satisfied, and satisfied out of the proceedings of Ministry on their own favourite Act, that his fears from a repeal are groundless. If he is not, I leave him, and the Noble Lord who sits by him, to settle the matter, as well as they can, together; for if the repeal of American taxes destroys all our government in America--He is the man!—and he is the worst of all the repealers, because he is the last.

o But I hear it rung continually in my ears, now and formerly,--'the Preamble! what will become of the

Preamble, if you repeal this Tax?'—I am sorry to be compelled so often to expose the calamities and disgraces of Parliament. The preamble of this law, standing as it now stands, has the lie direct given to it by the pro-visionary part of the Act; if that can be called pro-visionary which makes no provision. I should be afraid to express myself in this manner, especially in the face of such a formidable array of ability as is now drawn up before me, composed of the antient household troops of that side of the House, and the new recruits from 10 this, if the matter were not clear and indisputable. Nothing but truth could give me this firmness; but plain truth and clear evidence can be beat down by no ability. The Clerk will be so good as to turn to the Act, and to read this favourite Preamble :

15

Whereas it is *expedient* that a revenue should be raised in your Majesty's Dominions in America, for making a more *certain* and *adequate* provision for defraying the charge of the *administration of justice and support of civil government*, in such Provinces where it shall be found necessary; and 20 towards *further defraying the expenses of defending, protecting, and securing the said Dominions*.

You have heard this pompous performance. Now where is the revenue which is to do all these mighty things? Five-sixths repealed—abandoned—sunk—gone 25—lost for ever. Does the poor solitary Tea duty support the purposes of this preamble? Is not the supply there stated as effectually abandoned as if the Tea duty had perished in the general wreck? Here, Mr Speaker, is a precious mockery—a preamble without an act—taxes 30 granted in order to be repealed—and the reasons of the grant still carefully kept up! This is raising a revenue

in America ! This is preserving dignity in England ! If you repeal this tax in compliance with the motion, I readily admit that you lose this fair preamble. Estimate your loss in it. The object of the Act is gone already ; 5 and all you suffer is the purging the Statute-book of the opprobrium of an empty, absurd, and false recital.

It has been said again and again, that the five Taxes were repealed on commercial principles. It is so said in the paper in my hand ; a paper which I constantly carry 10 about ; which I have often used, and shall often use again. What is got by this paltry pretence of commercial principles I know not : for if your government in America is destroyed by the *repeal of Taxes*, it is of no consequence upon what ideas the repeal is grounded. 15 Repeal this Tax too upon commercial principles if you please. These principles will serve as well now as they did formerly. But you know that, either your objection to a repeal from these supposed consequences has no validity, or that this pretence never could remove it. 20 This commercial motive never was believed by any man, either in America, which this letter is meant to soothe, or in England, which it is meant to deceive. It was impossible it should. Because every man, in the least acquainted with the detail of Commerce, must know, 25 that several of the articles on which the Tax was repealed, were fitter objects of Duties than almost any other articles that could possibly be chosen ; without comparison more so, than the Tea that was left taxed ; as infinitely less liable to be eluded by contraband. 30 The Tax upon Red and White Lead was of this nature. You have, in this kingdom, an advantage in Lead, that amounts to a monopoly. When you find yourself in this

situation of advantage, you sometimes venture to tax even your own export. You did so soon after the last war; when, upon this principle, you ventured to impose a duty on Coals. In all the articles of American contraband trade, who ever heard of the smuggling of 5 Red Lead and White Lead? You might, therefore, well enough, without danger of contraband, and without injury to Commerce, (if this were the whole consideration,) have taxed these commodities. The same may be said of Glass. Besides, some of the things taxed were so 10 trivial, that the loss of the objects themselves, and their utter annihilation out of American Commerce, would have been comparatively as nothing. But is the article of Tea such an object in the Trade of England, as not to be felt, or felt but slightly, like White Lead and 15 Red Lead, and Painters' Colours? Tea is an object of far other importance. Tea is perhaps the most important object, taking it with its necessary connections, of any in the mighty circle of our Commerce. If commercial principles had been the true motives to the 20 Repeal, or had they been at all attended to, Tea would have been the last article we should have left taxed for a subject of controversy.

Sir, It is not a pleasant consideration; but nothing in the world can read so awful and so instructive a lesson, 25 as the conduct of Ministry in this business, upon the mischief of not having large and liberal ideas in the management of great affairs. Never have the servants of the state looked at the whole of your complicated interests in one connected view. They have taken 30 things by bits and scraps, some at one time and one pretence, and some at another, just as they pressed,

without any sort of regard to their relations or dependencies. They never had any kind of system, right or wrong; but only invented occasionally some miserable tale for the day, in order meanly to sneak out of 5 difficulties, into which they had proudly strutted. And they were put to all these shifts and devices, full of meanness and full of mischief, in order to pilfer piece-meal a repeal of an Act, which they had not the generous courage, when they found and felt their error, honourably 10 and fairly to disclaim. By such management, by the irresistible operation of feeble counsels, so paltry a sum as Three-pence in the eyes of a financier, so insignificant an article as Tea in the eyes of a philosopher, have shaken the pillars of a Commercial Empire that circled 15 the whole globe.

Do you forget that, in the very last year, you stood on the precipice of general bankruptcy? Your danger was indeed great. You were distressed in the affairs of the East India Company; and you well know what 20 sort of things are involved in the comprehensive energy of that significant appellation. I am not called upon to enlarge to you on that danger, which you thought proper yourselves to aggravate, and to display to the world with all the parade of indiscreet declamation. The monopoly 25 of the most lucrative trades, and the possession of imperial revenues, had brought you to the verge of beggary and ruin. Such was your representation—such, in some measure, was your case. The vent of Ten Millions of pounds of this commodity, now locked up by the 30 operation of an injudicious Tax, and rotting in the warehouses of the Company, would have prevented all this distress, and all that series of desperate measures

which you thought yourselves obliged to take in consequence of it. America would have furnished that vent, which no other part of the world can furnish but America ; where Tea is next to a necessary of life ; and where the demand grows upon the supply. I hope our 5 dear-bought East India Committees have done us at least so much good, as to let us know, that, without a more extensive sale of that article, our East India revenues and acquisitions can have no certain connection with this country. It is through the American trade of 10 Tea that your East India conquests are to be prevented from crushing you with their burthen. They are ponderous indeed : and they must have that great country to lean upon, or they tumble upon your head. It is the same folly that has lost you at once the benefit of the West 15 and of the East. This folly has thrown open folding-doors to contraband : and will be the means of giving the profits of the trade of your Colonies to every nation but yourselves. Never did a people suffer so much for the empty words of a preamble. It must be given up. 20 For on what principles does it stand ? This famous revenue stands, at this hour, on all the debate, as a description of revenue not as yet known in all the comprehensive (but too comprehensive !) vocabulary of finance—*a preambulary tax*. It is indeed a tax of 25 sophistry, a tax of pedantry, a tax of disputation, a tax of war and rebellion, a tax for anything but benefit to the imposers, or satisfaction to the subject.

Well ! but whatever it is, gentlemen will force the Colonists to take the Teas. You will force them ? Has 30 seven years' struggle yet been able to force them ? Oh, but it seems, ' We are in the right. The Tax is trifling— in

fact it is rather an exoneration than an imposition; three-fourths of the duty formerly payable on teas exported to America is taken off; the place of collection is only shifted; instead of the retention of a shilling from the Draw-back here, it is three-pence Custom paid in America.⁵ All this, Sir, is very true. But this is the very folly and mischief of the Act. Incredible as it may seem, you know that you have deliberately thrown away a large duty which you held secure and quiet in your hands, for the vain hope of getting one three-fourths less, through every hazard, through certain litigation, and possibly through war.

The manner of proceeding in the duties on paper and glass, imposed by the same Act, was exactly in the same spirit. There are heavy excises on those articles when used in England. On export, these excises are drawn back. But instead of withholding the Draw-back, which might have been done, with ease, without charge, without possibility of smuggling; and instead of applying the money (money already in your hands) according to your pleasure, you began your operations in finance by flinging away your revenue; you allowed the whole Draw-back on export, and then you charged the duty, (which you had before discharged,) payable in the Colonies; when it was certain the collection would devour it to the bone; if any revenue were ever suffered to be collected at all. One spirit pervades and animates the whole mass.

Could anything be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues and your clearest interests, merely for the sake of insulting

your Colonies? No man ever doubted that the commodity of Tea could bear an imposition of three-pence. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The 5 feelings of the Colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr Hampden's fortune? No! but the payment of half 10 twenty shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

It is then, Sir, upon the *principle* of this measure, 15 and nothing else, that we are at issue. It is a principle of political expediency. Your Act of 1767 asserts, that it is expedient to raise a revenue in America; your Act of 1769, which takes away that revenue, contradicts the Act of 1767; and, by something much stronger than 20 words, asserts, that it is not expedient. It is a reflexion upon your wisdom to persist in a solemn Parliamentary declaration of the expediency of any object, for which, at the same time, you make no sort of provision. And pray, Sir, let not this circumstance escape you; it is very 25 material; that the preamble of this Act, which we wish to repeal, is not *declaratory of a right*, as some gentlemen seem to argue it; it is only a recital of the *expediency* of a certain exercise of a right supposed already to have been asserted; an exercise you are now contending for 30 by ways and means, which you confess, though they were obeyed, to be utterly insufficient for their purpose. You

are therefore at this moment in the awkward situation of fighting for a phantom ; a quiddity ; a thing that wants, not only a substance, but even a name ; for a thing, which is neither abstract right, nor profitable enjoyment.

5 They tell you, Sir, that your dignity is tied to it. I know not how it happens, but this dignity of yours is a terrible incumbrance to you ; for it has of late been ever at war with your interest, your equity, and every idea of your policy. Shew the thing you contend for to be
10 reason ; shew it to be common sense ; shew it to be the means of attaining some useful end ; and then I am content to allow it what dignity you please. But what dignity is derived from the perseverance in absurdity, is more than ever I could discern. The Honourable
15 Gentleman has said well—indeed, in most of his *general* observations I agree with him—he says, that this subject does not stand as it did formerly. Oh, certainly not ! Every hour you continue on this ill-chosen ground, your difficulties thicken on you ; and therefore my conclusion
20 is, remove from a bad position as quickly as you can. The disgrace, and the necessity, of yielding, both of them, grow upon you every hour of your delay.

BUT will you repeal the Act, says the Honourable Gentleman, at this instant, when America is in open
25 resistance to your authority, and that you have just revived your system of taxation ? He thinks he has driven us into a corner. But thus pent up, I am content to meet him ; because I enter the lists supported by my old authority, his new friends, the Ministers themselves.
30 The Honourable Gentleman remembers, that about five years ago as great disturbances as the present prevailed

in America on account of the new taxes. The Ministers represented these disturbances as treasonable; and this House thought proper, on that representation, to make a famous address for a revival, and for a new application, of a statute of Henry the Eighth. We besought the 5 King, in that well-considered address, to inquire into treasons, and to bring the supposed traytors from America to Great Britain for trial. His Majesty was pleased graciously to promise a compliance with our request. All the attempts from this side of the House to resist to these violences, and to bring about a repeal, were treated with the utmost scorn. An apprehension of the very consequences now stated by the Honourable Gentleman, was then given as a reason for shutting the door against all hope of such an alteration. And so strong 15 was the spirit for supporting the new taxes, that the Session concluded with the following remarkable declaration. After stating the vigorous measures which had been pursued, the Speech from the Throne proceeds:

'You have assured me of your *firm* support in the *prosecution* of them. Nothing, in my opinion, could be more likely to enable the well-disposed among my subjects in that part of the world, effectually to discourage and defeat the designs of the factious and seditious, than the hearty concurrence of every branch of the Legislature, in *maintaining* 25 *the execution of the laws* in every part of my Dominions.'

After this no man dreamt that a repeal under this Ministry could possibly take place. The Honourable Gentleman knows as well as I, that the idea was utterly exploded by those who sway the House. This speech 30 was made on the ninth day of May, 1769. Five days after this speech, that is, on the 13th of the same month,

the public Circular Letter, a part of which I am going to read to you, was written by Lord Hillsborough, Secretary of State for the Colonies. After reciting the substance of the King's Speech, he goes on thus :

5 'I can take upon me to assure you, notwithstanding insinuations to the contrary, from men with *factious and seditious views*, that his Majesty's *present Administration* have at no time entertained a design to propose to Parliament to lay any further taxes upon America for the purpose of *RAISING A REVENUE*; and that it is at present their intention to propose, the next Session of Parliament, to take off the duties upon glass, paper, and colours, upon consideration of such duties *having been laid contrary to the true principles of Commerce*.

15 'These have always been, and still are, the sentiments of his Majesty's *present servants*; and by which *their conduct in respect to America has been governed*. And his Majesty relies upon your prudence and fidelity for such an explanation of his measures, as may tend to remove the prejudices 20 which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her Colonies; and to re-establish that mutual *confidence and affection*, upon which the glory and safety of the British Empire depend.'

25 Here, Sir, is a canonical book of ministerial scripture; the General Epistle to the Americans. What does the gentleman say to it? Here a repeal is promised; promised without condition; and while your authority was actually resisted. I pass by the public promise of a 30 Peer relative to the repeal of taxes by this House. I pass by the use of the King's name in a matter of supply, that sacred and reserved right of the Commons. I conceal the ridiculous figure of Parliament, hurling its

thunders at the gigantic rebellion of America ; and then, five days after, prostrate at the feet of those assemblies we affected to despise ; begging them, by the intervention of our ministerial sureties, to receive our submission, and heartily promising amendment. These might have been 5 serious matters formerly ; but we are grown wiser than our fathers. Passing, therefore, from the constitutional consideration to the mere policy, does not this Letter imply, that the idea of taxing America for the purpose of revenue is an abominable project ; when the Ministry 10 suppose that none but *factious* men, and with seditious views, could charge them with it ? does not this Letter adopt and sanctify the American distinction of *taxing for a revenue* ? does it not formally reject all future taxation on that principle ? does it not state the ministerial 15 rejection of such principle of taxation, not as the occasional, but the constant, opinion of the King's servants ? does it not say, I care not how consistently—but does it not say, that their conduct with regard to America has been *always* governed by this policy ? It goes a great 20 deal further. These excellent and trusty servants of the King, justly fearful lest they themselves should have lost all credit with the world, bring out the image of their gracious Sovereign from the inmost and most sacred shrine, and they pawn him as a security for their 25 promises—‘*His Majesty* relies on your prudence and fidelity for such an explanation of *his* measures.’ These sentiments of the Minister, and these measures of his Majesty, can only relate to the principle and practice of taxing for a revenue ; and accordingly Lord Botetourt, 30 stating it as such, did, with great propriety, and in the exact spirit of his instructions, endeavour to remove the

fears of the Virginian assembly, lest the sentiments, which it seems (unknown to the world) had *always* been those of the Ministers, and by which *their conduct in respect to America had been governed*, should by some possible revolution, favourable to wicked American taxers, be hereafter counteracted. He addresses them in this manner :

It may possibly be objected, that, as his Majesty's present administration are *not immortal*, their successors may be 10 inclined to attempt to undo what the present Ministers shall have attempted to perform ; and to that objection I can give but this answer ; that it is my firm opinion, that the plan I have stated to you will certainly take place ; and that it will never be departed from ; and so determined am I for 15 ever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am or ever shall be legally invested, in order to obtain and *maintain* for the Continent of America that 20 *satisfaction* which I have been authorized to promise this day, by the *confidential* servants of our gracious Sovereign, who to my certain knowledge rates his honour so high, *that he would rather part with his crown, than preserve it by deceit.*

25 A glorious and true character ! which (since we suffer his Ministers with impunity to answer for his ideas of taxation) we ought to make it our business to enable his Majesty to preserve in all its lustre. Let him have character, since ours is no more ! Let some part of 30 government be kept in respect !

This Epistle was not the letter of Lord Hillsborough solely ; though he held the official pen. It was the letter of the Noble Lord upon the floor, and of all the

King's then Ministers, who (with I think the exception of two only) are his Ministers at this hour. The very first news that a British Parliament heard of what it was to do with the duties which it had given and granted to the King, was by the publication of the votes of American assemblies. It was in America that your resolutions were pre-declared. It was from thence that we knew to a certainty, how much exactly, and not a scruple more or less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had ¹⁵ *confidential* communications from his Majesty's *confidential* servants. We were nothing but instruments. Do you, after this, wonder that you have no weight and no respect in the Colonies? After this, are you surprised, that Parliament is every day and everywhere losing (I feel it ¹⁵ with sorrow, I utter it with reluctance) that reverential affection, which so endearing a name of authority ought ever to carry with it; that you are obeyed solely from respect to the bayonet; and that this House, the ground and pillar of freedom, is itself held up only by the ²⁰ treacherous under-pinning and clumsy buttresses of arbitrary power?

If this dignity, which is to stand in the place of just policy and common sense, had been consulted, there was a time for preserving it, and for reconciling it with ²⁵ any concession. If in the Session of 1768, that Session of idle terror and empty menaces, you had, as you were often pressed to do, repealed these taxes; then your strong operations would have come justified and enforced, in case your concessions had been returned by outrages. ³⁰ But, preposterously, you began with violence; and before terrors could have any effect, either good or bad,

your Ministers immediately begged pardon, and promised that repeal to the obstinate Americans, which they had refused in an easy, good-natured, complying British Parliament. The assemblies which had been publicly
5 and avowedly dissolved for *their* contumacy, are called together to receive *your* submission. Your ministerial directors blustered like tragic tyrants here; and then went mumping with a sore leg in America, canting and whining, and complaining of faction, which represented
10 them as friends to a revenue from the Colonies. I hope nobody in this House will hereafter have the impudence to defend American taxes in the name of Ministry. The moment they do, with this letter of attorney in my hand, I will tell them, in the authorized terms, they are
15 wretches, 'with factious and seditious views; enemies to the peace and prosperity of the Mother Country and the Colonies,' and subverters 'of the mutual affection and confidence on which the glory and safety of the British Empire depend.'

20 After this letter, the question is no more on propriety or dignity. They are gone already. The faith of your Sovereign is pledged for the political principle. The general declaration in the Letter goes to the whole of it. You must therefore either abandon the scheme of taxing;
25 or you must send the Ministers tarred and feathered to America, who dared to hold out the Royal Faith for a renunciation of all taxes for revenue. Them you must punish, or this faith you must preserve. The preservation of this faith is of more consequence than the duties on
30 *red lead*, or *white lead*, or on *broken glass*, or *atlas-ordinary*, or *demi-fine*, or *blue royal*, or *bastard*, or *fool's-cap*, which you have given up; or the Three-pence

on tea which you retained. The Letter went stamp'd with the public authority of this Kingdom. The instructions for the Colony Government go under no other sanction; and America cannot believe, and will not obey you, if you do not preserve this channel of communication sacred. You are now punishing the Colonies for acting on distinctions, held out by that very Ministry which is here shining in riches, in favour, and in power; and urging the punishment of the very offence to which they had themselves been the tempters. 10

Sir, If reasons respecting simply your own commerce, which is your own convenience, were the sole grounds of the repeal of the five duties; why does Lord Hillsborough, in disclaiming the name of the King and Ministry their ever having had an intent to tax for revenue, mention it 15 as the means 'of re-establishing the confidence and affection of the Colonies?' Is it a way of soothing *others*, to assure them that you will take good care of *yourself?* The medium, the only medium, for regaining their affection and confidence, is, that you will take off 20 something oppressive to their minds. Sir, the Letter strongly enforces that idea: for though the repeal of the taxes is promised on commercial principles, yet the means of counteracting 'the insinuations of men with factious and seditious views,' is, by a disclaimer of the 25 intention of taxing for revenue, as a constant invariable sentiment and rule of conduct in the government of America.

I remember that the noble Lord on the floor, not in a former debate to be sure, (it would be disorderly to 30 refer to it, I suppose I read it somewhere,) but the noble Lord **was** pleased to say, that he did not conceive how it

could enter into the head of man to impose such taxes as those of 1767; I mean those taxes which he voted for imposing, and voted for repealing; as being taxes contrary to all the principles of commerce, laid on *British Manufactures*.

I dare say the noble Lord is perfectly well read, because the duty of his particular office requires he should be so, in all our revenue laws; and in the policy which is to be collected out of them. Now, Sir, when he had read this Act of American revenue, and a little recovered from his astonishment, I suppose he made one step retrograde (it is but one) and looked at the Act which stands just before in the Statute Book. The American Revenue Act is the forty-fifth chapter; the other to which I refer is the forty-fourth of the same session. These two Acts are both to the same purpose; both Revenue Acts; both taxing out of the Kingdom; and both taxing British manufactures exported. As the 45th is an Act for raising a revenue in America, the 44th is an Act for raising a revenue in the Isle of Man. The two Acts perfectly agree in all respects, except one. In the Act for taxing the Isle of Man, the noble Lord will find (not, as in the American Act, four or five articles) but almost the *whole body* of British manufactures, taxed from two and a half to fifteen *per cent.*, and some articles, such as that of spirits, a great deal higher. You did not think it uncommercial to tax the whole mass of your manufactures, and, let me add, your agriculture too; for, I now recollect, British corn is there also taxed up to ten *per cent.*, and this too in the very head quarters, the very citadel of smuggling, the Isle of Man. Now will the noble Lord condescend to tell me why he repealed the

taxes on the manufactures sent out to America, and not the taxes on the manufactures exported to the Isle of Man? The principle was exactly the same, the objects charged infinitely more extensive, the duties without comparison higher. Why? Why, notwithstanding all his 5 childish pretexts, because the taxes were quietly submitted to in the Isle of Man; and because they raised a flame in America. Your reasons were political, not commercial. The repeal was made, as Lord Hillsborough's Letter well expresses it, to regain 'the confidence and affection of the Colonies, on which the glory and safety of the British Empire depend.' A wise and just motive surely, if ever there was such. But the mischief and dishonour is, that you have not done what you had given the Colonies just cause to expect, when 15 your Ministers disclaimed the idea of taxes for a revenue. There is nothing simple, nothing manly, nothing ingenuous, open, decisive, or steady, in the proceeding, with regard either to the continuance or the repeal of the taxes. The whole has an air of littleness and fraud. 20 The article of tea is slurred over in the Circular Letter, as it were by accident--nothing is said of a resolution either to keep that tax, or to give it up. There is no fair dealing in any part of the transaction.

If you mean to follow your true motive and your 25 public faith, give up your tax on tea for raising a revenue, the principle of which has, in effect, been disclaimed in your name; and which produces you no advantage; no, not a penny. Or, if you choose to go on with a poor pretence instead of a solid reason, and will still adhere to 30 your cant of commerce, you have ten thousand times more strong commercial reasons for giving up this duty

on tea, than for abandoning the five others that you have already renounced.

The American consumption of teas is annually, I believe, worth £300,000 at the least farthing. If you urge the American violence as a justification of your perseverance in enforcing this tax, you know that you can never answer this plain question—Why did you repeal the others given in the same Act, whilst the very same violence subsisted?—But you did not find the violence cease upon that concession.—No! because the concession was far short of satisfying the principle which Lord Hillsborough had abjured; or even the pretence on which the repeal of the other taxes was announced; and because, by enabling the East India Company to open a shop for defeating the American resolution not to pay that specific tax, you manifestly shewed a hankering after the principle of the Act which you formerly had renounced. Whatever road you take leads to a compliance with this motion. It opens to you at the end of every vista. Your commerce, your policy, your promises, your reasons, your pretences, your consistency, your inconsistency—all jointly oblige you to this repeal.

But still it sticks in our throats—'If we go so far, the Americans will go farther.'—We do not know that. We ought, from experience, rather to presume the contrary. Do we not know for certain that the Americans are going on as fast as possible, whilst we refuse to gratify them? Can they do more, or can they do worse, if we yield this point? I think this concession will rather fix a turn-pike to prevent their further progress. It is impossible to answer for bodies of men. But I am sure the natural effect of fidelity, clemency, kindness in governors, is

peace, good-will, order, and esteem on the part of the governed. I would certainly, at least, give these fair principles a fair trial; which, since the making of this Act to this hour, they never have had.

SIR, the Honourable Gentleman having spoken what 5 he thought necessary upon the narrow part of the subject, I have given him, I hope, a satisfactory answer. He next presses me by a variety of direct challenges and oblique reflexions to say something on the historical part. I shall, therefore, Sir, open myself fully on that important and 10 delicate subject; not for the sake of telling you a long story, (which I know, Mr Speaker, you are not particularly fond of,) but for the sake of the weighty instruction that, I flatter myself, will necessarily result from it. I shall not be longer, if I can help it, than so serious a matter 15 requires.

Permit me then, Sir, to lead your attention very far back; back to the Act of Navigation; the corner-stone of the policy of this country with regard to its Colonies. Sir, that policy was, from the beginning, purely com- 20 mercial; and the commercial system was wholly restrictive. It was the system of a monopoly. No trade was let loose from that constraint, but merely to enable the Colonists to dispose of what, in the course of your trade, you could not take; or to enable them to dispose of 25 such articles as we forced upon them, and for which, without some degree of liberty, they could not pay. Hence all your specific and detailed enumerations: hence the innumerable checks and counterchecks: hence that infinite variety of paper chains by which you bind 30 together this complicated system of the Colonies. This

principle of commercial monopoly runs through no less than twenty-nine Acts of Parliament, from the year 1660 to the unfortunate period of 1764.

In all those acts the system of commerce is established, as that from whence alone you proposed to make the Colonies contribute (I mean directly and by the operation of your superintending legislative power,) to the strength of the Empire. I venture to say, that during that whole period, a Parliamentary revenue from thence ¹⁰ was never once in contemplation. Accordingly, in all the number of laws passed with regard to the Plantations, the words which distinguish revenue laws, specifically as such, were, I think, premeditately avoided. I do not say, Sir, that a form of words alters the nature of the ¹⁵ law, or abridges the power of the lawgiver. It certainly does not. However, titles and formal preambles are not always idle words; and the lawyers frequently argue from them. I state these facts to shew, not what was your right, but what has been your settled policy. Our ²⁰ revenue laws have usually a *title*, purporting their being *grants*; and the words *give and grant* usually precede the enacting parts. Although duties were imposed on America in Acts of King Charles the Second, and in Acts of King William, no one title of giving 'an aid to ²⁵ His Majesty,' or any other of the usual titles to Revenue Acts, was to be found in any of them till 1764; nor were the words 'give and grant' in any preamble until the Sixth of George the Second. However, the title of this Act of George the Second, notwithstanding the words of ³⁰ donation, considers it merely as a regulation of trade— 'An Act for the better securing of the trade of His Majesty's Sugar Colonies in America.' This Act was made

on a compromise of all, and at the express desire of a part, of the Colonies themselves. It was therefore in some measure with their consent; and having a title directly purporting only a *commercial regulation*, and being in truth nothing more, the words were passed by, at a time 5 when no jealousy was entertained, and things were little scrutinised. Even Governor Bernard, in his second printed letter, dated in 1763, gives it as his opinion, that 'it was an Act of *prohibition*, not of revenue.' This is certainly true, that no Act avowedly for the purpose of 10 revenue, and with the ordinary title and recital taken together, is found in the Statute Book until the year 1764. All before this period stood on commercial regulation and restraint. The scheme of a Colony revenue by British authority appeared therefore to the Americans 15 in the light of a great innovation. The words of Governor Bernard's ninth letter, written in Nov. 1765, state this idea very strongly. 'It must,' says he, 'have been supposed, *such an innovation as a Parliamentary taxation* would cause a great *alarm*, and meet with much 20 *opposition* in most parts of America; it was *quite new* to the people, and had no *visible bounds* set to it.' After stating the weakness of government there, he says; 'Was this a time to introduce *so great a novelty* as a Parliamentary inland taxation in America?' Whatever the 25 right might have been, this mode of using it was absolutely new in policy and practice.

Sir, they who are friends to the schemes of American revenue say, that the commercial restraint is full as hard a law for America to live under. I think so too. I think 30 it, if uncompensated, to be a condition of as rigorous servitude as men can be subject to. But America bore

it from the fundamental Act of Navigation until 1764.— Why? Because men do bear the inevitable constitution of their original nature with all its infirmities. The Act of Navigation attended the Colonies from their infancy; 5 grew with their growth and strengthened with their strength. They were confirmed in obedience to it, even more by usage than by law. They scarcely had remembered a time when they were not subject to such restraint. Besides, they were indemnified for it by a 10 pecuniary compensation. Their monopolist happened to be one of the richest men in the world. By his immense capital, primarily employed, not for their benefit, but his own, they were enabled to proceed with their fisheries, their agriculture, their ship-building, (and their trade too, 15 within the limits,) in such a manner as got far the start of the slow languid operations of unassisted nature. This capital was a hot-bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce, and their cultivated 20 and commodious life, but they seem to me rather antient nations grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the Colonies of yesterday; than a set of miserable outcasts, a few years 25 ago not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness three thousand miles from all civilized intercourse.

All this was done by England, whilst England pursued trade, and forgot revenue. You not only acquired 30 commerce, but you actually created the very objects of trade in America; and by that creation you raised the trade of this kingdom at least four-fold. America had the com-

pensation of your capital, which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the 5 image of the British Constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had in effect the sole disposal of her own internal government. This whole state of commercial servitude and 10 civil liberty, taken together, is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was a happy and a liberal condition.

I know, Sir, that great and not unsuccessful pains 15 have been taken to inflame our minds by an outcry, in this House and out of it, that in America the Act of Navigation neither is, nor ever was, obeyed. But if you take the Colonies through, I affirm, that its authority never was disputed; that it was nowhere disputed for 20 any length of time: and, on the whole, that it was well observed. Wherever the Act pressed hard, many individuals indeed evaded it. This is nothing. These scattered individuals never denied the law, and never obeyed it. Just as it happens whenever the laws of trade, 25 whenever the laws of revenue, press hard upon the people in England; in that case all your shores are full of contraband. Your right to give a monopoly to the East India Company, your right to lay immense duties on French brandy, are not disputed in England. You 30 do not make this charge on any man. But you know that there is not a creek from Pentland Frith to the Isle of

Wight, in which they do not smuggle immense quantities of teas, East India goods, and brandies. I take it for granted, that the authority of Governor Bernard in this point is indisputable. Speaking of these laws as they 5 regarded that part of America now in so unhappy a condition, he says, 'I believe they are nowhere better supported than in this Province; I do not pretend that it is entirely free from a breach of these laws; but that such a breach, if discovered, is justly punished.' What more 10 can you say of the obedience to any laws in any Country?

An obedience to these laws formed the acknowledgment, instituted by yourselves, for your superiority; and was the payment you originally imposed for your protection.

15 Whether you were right or wrong in establishing the Colonies on the principles of commercial monopoly, rather than on that of revenue, is at this day a problem of mere speculation. You cannot have both by the same authority. To join together the restraints of an 20 universal internal and external monopoly, with an universal internal and external taxation, is an unnatural union; perfect uncompensated slavery. You have long since decided for yourself and them; and you and they have prospered exceedingly under that decision.

25 This nation, Sir, never thought of departing from that choice until the period immediately on the close of the last war. Then a scheme of government new in many things seemed to have been adopted. I saw, or I thought I saw, several symptoms of a great change, whilst I sat in 20 your gallery, a good while before I had the honour of a seat in this House. At that period the necessity was established of keeping up no less than twenty new regi-

ments, with twenty colonels capable of seats in this House. This scheme was adopted with very general applause from all sides, at the very time that, by your conquests in America, your danger from foreign attempts in that part of the world was much lessened, or indeed 5 rather quite over. When this huge increase of military establishment was resolved on, a revenue was to be found to support so great a burthen. Country gentlemen, the great patrons of œconomy, and the great resisters of a standing armed force, would not have entered 10 with much alacrity into the vote for so large and so expensive an army, if they had been very sure that they were to continue to pay for it. But hopes of another kind were held out to them; and in particular, I well remember, that Mr Townshend, in a brilliant harangue 15 on this subject, did dazzle them, by playing before their eyes the image of a revenue to be raised in America.

Here began to dawn the first glimmerings of this new Colony system. It appeared more distinctly afterwards, 20 when it was devolved upon a person to whom, on other accounts, this country owes very great obligations. I do believe, that he had a very serious desire to benefit the public. But with no small study of the detail, he did not seem to have his view, at least equally, carried to the 25 total circuit of our affairs. He generally considered his objects in lights that were rather too detached. Whether the business of an American revenue was imposed upon him altogether; whether it was entirely the result of his own speculation; or, what is more probable, that his own 30 ideas rather coincided with the instructions he had received; certain it is, that, with the best intentions in

the world, he first brought this fatal scheme into form, and established it by Act of Parliament.

No man can believe, that at this time of day I mean to lean on the venerable memory of a great man, whose loss we deplore in common. Our little party-differences have been long ago composed ; and I have acted more with him, and certainly with more pleasure with him, than ever I acted against him. Undoubtedly Mr Grenville was a first-rate figure in this country. With a 10 masculine understanding, and a stout and resolute heart, he had an application undissipated and unwearyed. He took public business, not as a duty which he was to fulfil, but as a pleasure he was to enjoy ; and he seemed to have no delight out of this House, except in such 15 things as some way related to the business that was to be done within it. If he was ambitious, I will say this for him, his ambition was of a noble and generous strain. It was to raise himself, not by the low, pimping politicks of a Court, but to win his way to power, through the 20 laborious gradations of public service ; and to secure to himself a well-earned rank in Parliament, by a thorough knowledge of its constitution, and a perfect practice in all its business.

Sir, if such a man fell into errors, it must be from 25 defects not intrinsical ; they must be rather sought in the particular habits of his life ; which, though they do not alter the groundwork of character, yet tinge it with their own hue. He was bred in a profession. He was bred to the law, which is, in my opinion, one of the first and 30 noblest of human sciences ; a science which does more to quicken and invigorate the understanding, than all the other kinds of learning put together ; but it is not apt,

except in persons very happily born, to open and to liberalize the mind exactly in the same proportion. Passing from that study he did not go very largely into the world; but plunged into business; I mean into the business of office; and the limited and fixed methods 5 and forms established there. Much knowledge is to be had undoubtedly in that line; and there is no knowledge which is not valuable. But it may be truly said, that men too much conversant with office are rarely minds of remarkable enlargement. Their habits of office are apt 10 to give them a turn to think the substance of business not to be much more important than the forms in which it is conducted. These forms are adapted to ordinary occasions; and therefore persons who are nurtured in office do admirably well as long as things go on in their 15 common order; but when the high roads are broken up, and the waters out, when a new and troubled scene is opened, and the file affords no precedent, then it is that a greater knowledge of mankind, and a far more extensive comprehension of things, is requisite, than ever 20 office gave, or than office can ever give. Mr Grenville thought better of the wisdom and power of human legislation than in truth it deserves. He conceived, and many conceived along with him, that the flourishing trade of this country was greatly owing to law and institution, and not quite so much to liberty; for but too many are apt to believe regulation to be commerce, and taxes to be revenue. Among regulations, that which stood first in reputation was his idol. I mean the Act of Navigation. He has often professed it to be so. The 30 policy of that Act is, I readily admit, in many respects, well understood. But I do say, that if the Act be

suffered to run the full length of its principle, and is not changed and modified according to the change of times and the fluctuation of circumstances, it must do great mischief, and frequently even defeat its own purpose.

5 After the war, and in the last years of it, the trade of America had increased far beyond the speculations of the most sanguine imaginations. It swelled out on every side. It filled all its proper channels to the brim. It overflowed with a rich redundancy, and breaking its
10 banks on the right and on the left, it spread out upon some places where it was indeed improper, upon others where it was only irregular. It is the nature of all greatness not to be exact; and great trade will always be attended with considerable abuses. The contraband
15 will always keep pace in some measure with the fair trade. It should stand as a fundamental maxim, that no vulgar precaution ought to be employed in the cure of evils, which are closely connected with the cause of our prosperity. Perhaps this great person turned his eyes
20 somewhat less than was just towards the incredible increase of the fair trade; and looked with something of too exquisite a jealousy towards the contraband. He certainly felt a singular degree of anxiety on the subject; and even began to act from that passion earlier than is
25 commonly imagined. For whilst he was First Lord of the Admiralty, though not strictly called upon in his official line, he presented a very strong memorial to the Lords of the Treasury (my Lord Bute was then at the head of the board), heavily complaining of the growth
30 of the illicit commerce in America. Some mischief happened even at that time from this over earnest zeal. Much greater happened afterwards, when it operated with

greater power in the highest department of the finances. The bonds of the Act of Navigation were straitened so much, that America was on the point of having no trade, either contraband or legitimate. They found, under the construction and execution so used, the Act no longer 5 tying, but actually strangling them. All this coming with new enumerations of commodities; with regulations which in a manner put a stop to the mutual coasting intercourse of the Colonies; with the appointment of Courts of Admiralty under various improper circumstances; with a sudden extinction of the paper currencies; with a compulsory provision for the quartering of soldiers; the people of America thought themselves proceeded against as delinquents, or, at best, as people under suspicion of delinquency; and in such a manner 15 as, they imagined, their recent services in the war did not at all merit. Any of these innumerable regulations, perhaps, would not have alarmed alone; some might be thought reasonable; the multitude struck them with terror.

BUT the grand manœuvre in that business of new 20 regulating the Colonies, was the 15th Act of the Fourth of George the Third; which, besides containing several of the matters to which I have just alluded, opened a new principle; and here properly began the second period of the policy of this country with regard to the 25 colonies; by which the scheme of a regular Plantation Parliamentary revenue was adopted in theory, and settled in practice. A revenue not substituted in the place of, but superadded to, a monopoly; which monopoly was enforced at the same time with additional strictness; and 30 the execution put into military hands.

This Act, Sir, had for the first time the title of 'granting duties in the Colonies and Plantations of America ;' and for the first time it was asserted in the preamble, 'that it was *just* and *necessary*, that a revenue should be raised there.' Then came the technical words of 'giving and granting ;' and thus a complete American Revenue Act was made in all the forms, and with a full avowal of the right, equity, policy, and even necessity of taxing the Colonies, without any formal consent of theirs. There are contained also in the preamble to that Act these very remarkable words—the Commons, &c. —'being desirous to make *some* provision in the *present* session of Parliament *towards* raising the said revenue.' By these words it appeared to the Colonies, that this Act was but a beginning of sorrows ; that every session was to produce something of the same kind ; that we were to go on, from day to day, in charging them with such taxes as we pleased, for such a military force as we should think proper. Had this plan been pursued, it was evident that the provincial assemblies, in which the Americans felt all their portion of importance, and beheld their sole image of freedom, were *ipso facto* annihilated. This ill prospect before them seemed to be boundless in extent, and endless in duration. Sir, they were not mistaken. The Ministry valued themselves when this Act passed, and when they give notice of the Stamp Act, that both of the duties came very short of their ideas of American taxation. Great was the applause of this measure here. In England we cried out for new taxes on America, whilst they cried out that they were nearly crushed with those which the war and their own grants had brought upon them.

Sir, it has been said in the debate, that when the first American Revenue Act (the Act in 1764, imposing the port duties) passed, the Americans did not object to the principle. It is true they touched it but very tenderly. It was not a direct attack. They were, it is true, as yet 5 novices; as yet unaccustomed to direct attacks upon any of the rights of Parliament. The duties were port duties, like those they had been accustomed to bear; with this difference, that the title was not the same, the preamble not the same, and the spirit altogether unlike. 10 But of what service is this observation to the cause of those that make it? It is a full refutation of the pretence for their present cruelty to America; for it shews, out of their own mouths, that our Colonies were backward to enter into the present vexatious and ruinous con- 15 troversy.

There is also another circulation abroad (spread with a malignant intention, which I cannot attribute to those who say the same thing in this House,) that Mr Grenville gave the Colony agents an option for their assemblies to 20 tax themselves, which they had refused. I find that much stress is laid on this as a fact. However, it happens neither to be true nor possible. I will observe first, that Mr Grenville never thought fit to make this apology for himself in the innumerable debates that were 25 had upon the subject. He might have proposed to the Colony agents, that they should agree in some mode of taxation as the ground of an Act of Parliament. But he never could have proposed that they should tax themselves on requisition, which is the assertion of the day. 30 Indeed, Mr Grenville well knew, that the Colony agents could have no general powers to consent to it, and they

had no time to consult their assemblies for particular powers, before he passed his first Revenue Act. If you compare dates, you will find it impossible. Burthened as the agents knew the colonies were at that time, they 5 could not give the least hope of such grants. His own favourite governour was of opinion that the Americans were not then taxable objects.

‘Nor was the time less favourable to the *equity* of such a taxation. I don’t mean to dispute the reasonableness of 10 America contributing to the charges of Great Britain *when she is able*; nor, I believe, would the Americans themselves have disputed it, at a *proper time and season*. But it should be considered that the American governments themselves have, in the prosecution of the late war, contracted very 15 large debts; which it will take some years to pay off, and in the mean time occasion very *burdensome taxes for that purpose* only. For instance, this government, which is as much before-hand as any, raises every year 37,500*l.* sterling for sinking their debt, and must continue it for four years 20 longer at least before it will be clear.’

These are the words of Governor Bernard’s letter to a member of the old Ministry, and which he has since printed. Mr Grenville could not have made this proposition to the agents for another reason. He was of 25 opinion, which he declared in this House an hundred times, that the Colonies could not legally grant any revenue to the Crown; and that infinite mischiefs would be the consequence of such a power. When Mr Grenville had passed the first Revenue Act, and in the same 30 session had made this House come to a resolution for laying a stamp-duty on America, between that time and the passing the Stamp Act into a law, he told a consider-

able and most respectable merchant, a member of this House, whom I am truly sorry I do not now see in his place, when he represented against this proceeding, that if the stamp-duty was disliked, he was willing to exchange it for any other equally productive; but that, if ⁵ he objected to the Americans being taxed by Parliament, he might save himself the trouble of the discussion, as he was determined on the measure. This is the fact, and, if you please, I will mention a very unquestionable authority for it.

10

Thus, Sir, I have disposed of this falsehood. But falsehood has a perennial spring. It is said, that no conjecture could be made of the dislike of the Colonies to the principle. This is as untrue as the other. After the resolution of the House, and before the passing of ¹⁵ the Stamp Act, the Colonies of Massachuset's Bay and New York did send remonstrances, objecting to this mode of Parliamentary taxation. What was the consequence? They were suppressed; they were put under the table, notwithstanding an Order of Council to the ² contrary, by the Ministry which composed the very Council that had made the Order: and thus the House proceeded to its business of taxing without the least regular knowledge of the objections which were made to it. But to give that House its due, it was not over ²⁵ desirous to receive information, or to hear remonstrance. On the 15th of February, 1765, whilst the Stamp Act was under deliberation, they refused with scorn even so much as to receive four petitions presented from so respectable Colonies as Connecticut, Rhode Island, ³ Virginia, and Carolina; besides one from the traders of Jamaica. As to the Colonies, they had no alternative

left to them, but to disobey ; or to pay the taxes imposed by that Parliament which was not suffered, or did not suffer itself, even to hear them remonstrate upon the subject.

5 THIS was the state of the Colonies before his Majesty thought fit to change his Ministers. It stands upon no authority of mine. It is proved by uncontrovertible records. The Honourable Gentleman has desired some of us to lay our hands upon our hearts, and answer to 10 his queries upon the historical part of this consideration ; and by his manner (as well as my eyes could discern it) he seemed to address himself to me.

Sir, I will answer him as clearly as I am able, and with great openness ; I have nothing to conceal. In the 15 year sixty five, being in a very private station, far enough from any line of business, and not having the honour of a seat in this House, it was my fortune, unknowing and unknown to the then Ministry, by the intervention of a common friend, to become connected with a very noble 20 person, and at the head of the Treasury department. It was indeed in a situation of little rank and no consequence, suitable to the mediocrity of my talents and pretensions. But a situation near enough to enable me to see, as well as others, what was going on ; and I did see 25 in that noble person such sound principles, such an enlargement of mind, such clear and sagacious sense, and such unshaken fortitude, as have bound me, as well as others much better than me, by an inviolable attachment to him from that time forward. Sir, Lord Rockingham 30 very early in that summer received a strong representation from many weighty English merchants and

manufacturers, from governors of provinces and commanders of men of war, against almost the whole of the American commercial regulations ; and particularly with regard to the total ruin which was threatened to the Spanish trade. I believe, Sir, the noble Lord soon saw his 5 way in this business. But he did not rashly determine against Acts which it might be supposed were the result of much deliberation. However, Sir, he scarcely began to open the ground, when the whole veteran body of office took the alarm. A violent outcry of all (except to those who knew and felt the mischief) was raised against any alteration. On one hand, his attempt was a direct violation of treaties and public law ; on the other, the Act of Navigation and all the corps of trade laws were drawn up in array against it. 15

The first step the noble Lord took, was to have the opinion of his excellent, learned, and ever lamented friend the late Mr Yorke, then Attorney-General, on the point of law. When he knew that formally and officially, which in substance he had known before, he immediately dispatched orders to redress the grievance. But I will say it for the then minister, he is of that constitution of mind, that I know he would have issued, on the same critical occasion, the very same orders, if the Acts of Trade had been, as they were not, directly 20 against him ; and would have cheerfully submitted to the equity of Parliament for his indemnity. 25

On the conclusion of this business of the Spanish trade the news of the troubles on account of the Stamp Act arrived in England. It was not until the end of 30 October that these accounts were received. No sooner had the sound of that mighty tempest reached us in

England, than the whole of the then opposition, instead of feeling humbled by the unhappy issue of their measures, seemed to be infinitely elated, and cried out, that the Ministry, from envy to the glory of their predecessors, were prepared to repeal the Stamp Act. Near nine years after, the Honourable Gentleman takes quite opposite ground, and now challenges me to put my hand to my heart, and say, whether the Ministry had resolved on the repeal till a considerable time after the meeting of Parliament. Though I do not very well know what the Honourable Gentleman wishes to infer from the admission, or from the denial, of this fact, on which he so earnestly adjures me; I do put my hand on my heart, and assure him, that they did *not* come to a resolution directly to repeal. They weighed this matter as its difficulty and importance required. They considered maturely among themselves. They consulted with all who could give advice or information. It was not determined until a little before the meeting of Parliament; but it was determined, and the main lines of their own plan marked out, before that meeting. Two questions arose. (I hope I am not going into a narrative troublesome to the House—)

[A cry of, 'Go on, go on.']

The first of the two considerations was, whether the repeal should be total, or whether only partial; taking out everything burthensome and productive, and reserving only an empty acknowledgement, such as a stamp on cards or dice. The other question was, on what principle the Act should be repealed? On this head also two principles were started. One, that the legislative rights of this country, with regard to America,

were not entire, but had certain restrictions and limitations. The other principle was, that taxes of this kind were contrary to the fundamental principles of commerce on which the Colonies were founded; and contrary to every idea of political equity; by which equity we are 5 bound, as much as possible, to extend the spirit and benefit of the British constitution to every part of the British dominions. The option, both of the measure, and of the principle of repeal, was made before the session; and I wonder how any one can read the King's 10 speech at the opening of that session, without seeing in that speech both the repeal and the Declaratory Act very sufficiently crayoned out. Those who cannot see this can see nothing.

Surely the Honourable Gentleman will not think that 15 a great deal less time than was then employed ought to have been spent in deliberation, when he considers that the news of the troubles did not arrive till towards the end of October. The Parliament sat to fill the vacancies on the 14th of December, and on business the 14th of 20 the following January.

Sir, a partial repeal, or, as the *bon ton* of the court then was, a *modification*, would have satisfied a timid, unsystematic, procrastinating Ministry, as such a measure has since done such a Ministry. A modification is the 25 constant resource of weak, undeciding minds. To repeal by the denial of our right to tax in the preamble, (and this too did not want advisers,) would have cut, in the heroic style, the Gordian knot with a sword. Either measure would have cost no more than a day's debate. 30 But when the total repeal was adopted; and adopted on principles of policy, of equity, and of commerce; this

plan made it necessary to enter into many and difficult measures. It became necessary to open a very large field of evidence commensurate to these extensive views. But then this labour did knight's service. It opened the 5 eyes of several to the true state of the American affairs; it enlarged their ideas; it removed prejudices; and it conciliated the opinions and affections of men. The noble Lord, who then took the lead in administration, my Honourable Friend under me, and a Right Honourable 10 Gentleman, (if he will not reject his share, and it was a large one, of this business,) exerted the most laudable industry in bringing before you the fullest, most impartial, and least garbled body of evidence that was ever produced to this House. I think the inquiry lasted in the 15 committee for six weeks; and, at its conclusion, this House, by an independent, noble, spirited, and unexpected majority; by a majority that will redeem all the acts ever done by majorities in Parliament, in the teeth of all the old mercenary Swiss of state, in despite 20 of all the speculators and augurs of political events, in defiance of the whole embattled region of veteran pensioners and practised instruments of a Court, gave a total repeal to the Stamp Act, and (if it had been so permitted) a lasting peace to this whole Empire.

25 I state, Sir, these particulars, because this act of spirit and fortitude has lately been, in the circulation of the season, and in some hazarded declamations in this House, attributed to timidity. If, Sir, the conduct of Ministry, in proposing the Repeal, had arisen from 30 timidity with regard to themselves, it would have been greatly to be condemned. Interested timidity disgraces as much in the Cabinet, as personal timidity does in the

field. But timidity, with regard to the well-being of our country, is heroic virtue. The noble Lord who then conducted affairs, and his worthy colleagues, whilst they trembled at the prospect of such distresses as you have since brought upon yourselves, were not afraid steadily 5 to look in the face that glaring and dazzling influence at which the eyes of eagles have blenched. He looked in the face one of the ablest, and, let me say, not the most scrupulous, oppositions, that perhaps ever was in this House; and withstood it, unaided by even one of the 10 usual supports of administration. He did this when he repealed the Stamp Act. He looked in the face a person he had long respected and regarded, and whose aid was then particularly wanting; I mean Lord Chatham. He did this when he passed the Declaratory Act. 15

It is now given out for the usual purposes by the usual emissaries, that Lord Rockingham did not consent to the repeal of this Act until he was bullied into it by Lord Chatham; and the reporters have gone so far as publicly to assert in an hundred companies, that the 20 Honourable Gentleman under the gallery, who proposed the repeal in the American Committee, had another set of resolutions in his pocket directly the reverse of those he moved. These artifices of a desperate cause are at this time spread abroad, with incredible care, in every 25 part of the town, from the highest to the lowest companies; as if the industry of the circulation were to make amends for the absurdity of the report.

Sir, whether the noble Lord is of a complexion to be bullied by Lord Chatham, or by any man, I must submit 30 to those who know him. I confess, when I look back to that time, I consider him as placed in one of the most

trying situations in which, perhaps, any man ever stood. In the House of Peers there were very few of the Ministry, out of the noble Lord's own particular connexion, (except Lord Egmont, who acted, as far as I could discern, an honourable and manly part,) that did not look to some other future arrangement, which warped his politicks. There were in both Houses new and menacing appearances, that might very naturally drive any other than a most resolute minister from his measure or from his station. The household troops openly revolted. The allies of Ministry, (those, I mean, who supported some of their measures, but refused responsibility for any,) endeavoured to undermine their credit, and to take ground that must be fatal to the success of the very cause which they would be thought to countenance.

The question of the repeal was brought on by Ministry in the Committee of this House, in the very instant when it was known that more than one Court negotiation was carrying on with the heads of the Opposition. Everything, upon every side, was full of traps and mines. Earth below shook; heaven above menaced; all the elements of Ministerial safety were dissolved. It was in the midst of this chaos of plots and counter plots; it was in the midst of this complicated warfare against public opposition and private treachery, that the firmness of that noble Person was put to the proof. He never stirred from his ground; no, not an inch. He remained fixed and determined, in principle, in measure, and in conduct. He practised no managements. He secured no retreat. He sought no apology.

I will likewise do justice, I ought to do it, to the

Honourable Gentleman who led us in this House. Far from the duplicity wickedly charged on him, he acted his part with alacrity and resolution. We all felt inspired by the example he gave us, down even to myself, the weakest in that phalanx. I declare for one, I knew well 5 enough (it could not be concealed from anybody) the true state of things; but, in my life, I never came with so much spirits into this House. It was a time for a *man* to act in. We had powerful enemies; but we had faithful and determined friends; and a glorious 10 cause. We had a great battle to fight; but we had the means of fighting; not as now, when our arms are tied behind us. We did fight that day, and conquer.

I remember, Sir, with a melancholy pleasure, the situation of the Honourable Gentleman who made the 15 motion for the repeal; in that crisis, when the whole trading interest of this Empire, crammed into your lobbies, with a trembling and anxious expectation, waited, almost to a winter's return of light, their fate from your resolutions. When at length, you had determined in 20 their favour, and your doors, thrown open, showed them the figure of their deliverer in the well-earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a 25 long absent father. They clung about him as captives about their redeemer. All England, all America, joined to his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow-citizens. *Hope elevated and joy brightened his 30 crest.* I stood near him; and his face, to use the expression of the Scripture of the first martyr—his face

was if it had been the face of an angel. I do not know how others feel ; but if I had stood in that situation, I never would have exchanged it for all that kings in their profusion could bestow. I did hope that that day's 5 danger and honour would have been a bond to hold us all together for ever. But, alas ! that, with other pleasing visions, is long since vanished.

Sir, this act of supreme magnanimity has been represented, as if it had been a measure of an Administration, 10 that having no scheme of their own, took a middle line, pilfered a bit from one side and a bit from the other. Sir, they took *no* middle lines. They differed fundamentally from the schemes of both parties ; but they preserved the objects of both. They preserved the 15 authority of Great Britain. They preserved the equity of Great Britain. They made the Declaratory Act ; they repealed the Stamp Act. They did both *fully* ; because the Declaratory Act was *without qualification* ; and the repeal of the Stamp Act *total*. This they did in 20 the situation I have described.

Now, Sir, what will the adversary say to both these Acts ? If the principle of the Declaratory Act was not good, the principle we are contending for this day is monstrous. If the principle of the Repeal was not good, 25 why are we not at war for a real, substantial, effective revenue ? If both were bad, why has this Ministry incurred all the inconveniences of both and of all schemes ? Why have they enacted, repealed, enforced, yielded, and now attempt to enforce again ?

30 SIR, I think, I may as well now, as at any other time, speak to a certain matter of fact, not wholly unrelated to

the question under your consideration. We, who would persuade you to revert to the antient policy of this Kingdom, labour under the effect of this short current phrase, which the Court leaders have given out to all their corps, in order to take away the credit of those who ⁵ would prevent you from that frantic war you are going to wage upon your Colonies. Their cant is this; 'All the disturbances in America have been created by the Repeal of the Stamp Act.' I suppress for a moment my indignation at the falsehood, baseness, and absurdity ¹⁰ of this most audacious assertion. Instead of remarking on the motives and character of those who have issued it for circulation, I will clearly lay before you the state of America, antecedently to that Repeal; after the Repeal; and since the renewal of the schemes of American ¹⁵ taxation.

It is said, that the disturbances, if there were any, before the Repeal, were slight; and without difficulty or inconvenience might have been suppressed. For an answer to this assertion I will send you to the great ²⁰ author and patron of the Stamp Act, who certainly meaning well to the authority of this Country, and fully apprized of the state of that, made, before a Repeal was so much as agitated in this House, the motion which is on your Journals; and which, to save the Clerk the ²⁵ trouble of turning to it, I will now read to you. It was for an amendment to the Address of the 17th of December, 1765:

'To express our just resentment and indignation at the *outrages, tumults, and insurrections* which have been excited ³⁰ and carried on in North America; and at the resistance given, by *open and rebellious force*, to the execution of the

laws in that part of His Majesty's Dominions. And to assure His Majesty, that his faithful Commons, animated with the warmest duty and attachment to his Royal Person and Government, will firmly and effectually support His Majesty
5 in all such measures as shall be necessary for preserving and supporting the legal dependence of the Colonies on the Mother Country,' &c., &c.

Here was certainly a disturbance preceding the Repeal; such a disturbance as Mr Grenville thought
10 necessary to qualify by the name of an *insurrection*, and the epithet of a *rebellious* force: terms much stronger than any by which those, who then supported his motion, have ever since thought proper to distinguish the subsequent disturbances in America. They were disturbances
15 which seemed to him and his friends to justify as strong a promise of support, as hath been usual to give in the beginning of a war with the most powerful and declared enemies. When the accounts of the American Governors came before the House, they appeared stronger even
20 than the warmth of public imagination had painted them; so much stronger, that the papers on your table bear me out in saying, that all the late disturbances, which have been at one time the Minister's motives for the repeal of five out of six of the new Court taxes, and
25 are now his pretences for refusing to repeal that sixth, did not amount—why do I compare them?—no, not to a tenth part of the tumults and violence which prevailed long before the Repeal of that Act.

Ministry cannot refuse the authority of the Commander-in-Chief, General Gage, who, in his letter of the 4th of November, from New York, thus represents the state of things:

'It is difficult to say, from the *highest to the lowest*, who has not been *accessary* to this *insurrection*, either by writing or *mutual agreements*, to oppose the Act, by what they are pleased to term all legal opposition to it. Nothing effectual has been proposed, either to prevent or quell the tumult.⁵ *The rest of the Provinces are in the same situation* as to a positive refusal to take the stamps; and threatening those who shall take them, *to plunder and murder them*; and this affair stands *in all the Provinces*, that unless the Act, from its own nature, enforce itself, nothing but a *very considerable* military force can do it.'

It is remarkable, Sir, that the persons who formerly trumpeted forth the most loudly, the violent resolutions of assemblies; the universal insurrections; the seizing and burning the stamped papers; the forcing stamp ¹⁵ officers to resign their commissions under the gallows; the rifling and pulling down of the houses of magistrates; and the expulsion from their country of all who dared to write or speak a single word in defence of the powers of Parliament; these very trumpeters are now ²⁰ the men that represent the whole as a mere trifle; and choose to date all the disturbances from the Repeal of the Stamp Act, which put an end to them. Hear your officers abroad, and let them refute this shameless falsehood, who, in all their correspondence, state the dis- ²⁵ turbances as owing to their true causes, the discontent of the people, from the taxes. You have this evidence in your own archives—and it will give you compleat satisfaction; if you are not so far lost to all Parliamentary ideas of information, as rather to credit the ³⁰ lye of the day, than the records of your own House.

Sir, this vermin of Court reporters, when they are forced into day upon one point, are sure to burrow in

another; but they shall have no refuge; I will make them bolt out of all their holes. Conscious that they must be baffled, when they attribute a precedent disturbance to a subsequent measure, they take other ground, almost as absurd, but very common in modern practice, and very wicked; which is, to attribute the ill effect of ill-judged conduct to the arguments which had been used to dissuade us from it. They say, that the opposition made in Parliament to the Stamp Act at the time of its passing, encouraged the Americans to their resistance. This has even formally appeared in print in a regular volume, from an advocate of that faction, a Dr Tucker. This Dr Tucker is already a dean, and his earnest labours in this vineyard will, I suppose, raise him to a bishoprick. But this assertion too, just like the rest, is false. In all the papers which have loaded your table; in all the vast crowd of verbal witnesses that appeared at your bar, witnesses which were indiscriminately produced from both sides of the House; not the least hint of such a cause of disturbance has ever appeared. As to the fact of a strenuous opposition to the Stamp Act, I sat as a stranger in your gallery when the Act was under consideration. Far from anything inflammatory, I never heard a more languid debate in this House. No more than two or three gentlemen, as I remember, spoke against the Act, and that with great reserve, and remarkable temper. There was but one division in the whole progress of the Bill; and the minority did not reach to more than 39 or 40. In the House of Lords I do not recollect that there was any debate or division at all. I am sure there was no protest. In fact, the affair passed with so very, very

little noise, that in town they scarcely knew the nature of what you were doing. The opposition to the Bill in England never could have done this mischief, because there scarcely ever was less of opposition to a bill of consequence.

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Sir, the agents and distributors of falsehoods have, with their usual industry, circulated another lye of the same nature with the former. It is this, that the disturbances arose from the account which had been received in America of the change in the Ministry. No longer awed, it seems, with the spirit of the former rulers, they thought themselves a match for what our calumniators chose to qualify by the name of so feeble a Ministry as succeeded. Feeble in one sense these men certainly may be called ; for, with all their efforts, and 15 they have made many, they have not been able to resist the distempered vigour, and insane alacrity, with which you are rushing to your ruin. But it does so happen, that the falsity of this circulation is (like the rest) demonstrated by indisputable dates and records.

20

So little was the change known in America, that the letters of your Governors, giving an account of these disturbances long after they had arrived at their highest pitch, were all directed to the *Old Ministry*, and particularly to the *Earl of Halifax*, the Secretary of State 25 corresponding with the Colonies, without once in the smallest degree intimating the slightest suspicion of any Ministerial revolution whatsoever. The Ministry was not changed in England until the 10th day of July, 1765. On the 14th of the preceding June, Governor Fauquier 30 from Virginia writes thus ; and writes thus to the Earl of Halifax :

‘Government is set at *defiance*, not having strength enough in her hands to enforce obedience to the laws of the community.—The private distress, which every man feels, increases the *general dissatisfaction* at the duties laid by the 5 *Stamp Act*, which breaks out and shows itself upon every trifling occasion.’

The general dissatisfaction had produced some time before, that is, on the 29th of May, several strong public resolves against the Stamp Act; and those resolves are 10 assigned by Governor Bernard, as the cause of the *insurrections* in Massachuset’s Bay, in his letter of the 15th of August, still addressed to the Earl of Halifax; and he continued to address such accounts to that Minister quite to the 7th of September of the same year. Similar 15 accounts, and of as late a date, were sent from other governors, and all directed to Lord Halifax. Not one of these letters indicates the slightest idea of a change, either known, or even apprehended.

Thus are blown away the insect race of courtly falsehoods! thus perish the miserable inventions of the wretched runners for a wretched cause, which they have fly-blown into every weak and rotten part of the country, in vain hopes that when their maggots had taken wing, their importunate buzzing might sound something like 25 the public voice!

SIR, I have troubled you sufficiently with the state of America before the Repeal. Now I turn to the Honourable Gentleman who so stoutly challenges us to tell, whether, after the Repeal, the Provinces were quiet? 30 This is coming home to the point. Here I meet him directly; and answer most readily, *They were quiet*. And

I, in my turn, challenge him to prove when, and where, and by whom, and in what numbers, and with what violence, the other laws of trade, as gentlemen assert, were violated in consequence of your concession? or that even your other revenue laws were attacked? But 5 I quit the vantage-ground on which I stand, and where I might leave the burthen of the proof upon him: I walk down upon the open plain, and undertake to show, that they were not only quiet, but showed many unequivocal marks of acknowledgement and gratitude. And to give 10 him every advantage, I select the obnoxious Colony of Massachuset's Bay, which at this time (but without hearing her) is so heavily a culprit before Parliament—I will select their proceedings even under circumstances of no small irritation. For, a little imprudently, I must say, 15 Governor Bernard mixed in the administration of the lenitive of the Repeal no small acrimony arising from matters of a separate nature. Yet see, Sir, the effect of that lenitive, though mixed with these bitter ingredients; and how this rugged people can express themselves on a 20 measure of concession.

'If it is not in our power,' (say they in their address to Governor Bernard,) 'in so full a manner as will be expected, to show our respectful gratitude to the Mother Country, or to make a dutiful and affectionate return to the indulgence of 25 the King and Parliament, it shall be no fault of ours; for this we intend, and hope we shall be able fully to effect.'

Would to God that this temper had been cultivated, managed, and set in action! other effects than those which we have since felt would have resulted from it. 30 On the requisition for compensation to those who had

suffered from the violence of the populace, in the same address they say,

'The recommendation enjoined by Mr Secretary Conway's letter, and in consequence thereof made to us, we will 5 embrace the first convenient opportunity to consider and act upon.'

They did consider; they did act upon it. They obeyed the requisition. I know the mode has been chicaned upon; but it was substantially obeyed; and much better 10 obeyed than I fear the Parliamentary requisition of this session will be, though enforced by all your rigour, and backed with all your power. In a word, the damages of popular fury were compensated by legislative gravity. Almost every other part of America in various ways 15 demonstrated their gratitude. I am bold to say, that so sudden a calm recovered after so violent a storm is without parallel in history. To say that no other disturbance should happen from any other cause, is folly. But as far as appearances went, by the judicious sacrifice of one 20 law, you procured an acquiescence in all that remained. After this experience, nobody shall persuade me, when a whole people are concerned, that acts of lenity are not means of conciliation.

I hope the Honourable Gentleman has received a fair 25 and full answer to his question.

I HAVE done with the third period of your policy; that of your Repeal; and the return of your antient system, and your antient tranquillity and concord. Sir, this period was not as long as it was happy. Another scene 30 was opened, and other actors appeared on the stage.

The state, in the condition I have described it, was delivered into the hands of Lord Chatham—a great and celebrated name; a name that keeps the name of this country respectable in every other on the globe. It may be truly called—

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Clarum et venerabile nomen
Gentibus, et multum nostræ quod proderat urbi.

Sir, the venerable age of this great man, his merited rank, his superior eloquence, his splendid qualities, his eminent services, the vast space he fills in the eye of mankind; and, more than all the rest, his fall from power, which, like death, canonizes and sanctifies a great character, will not suffer me to censure any part of his conduct. I am afraid to flatter him; I am sure I am not disposed to blame him. Let those, who have betrayed him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me at that time to be governed too much by general maxims. I speak with the freedom of history, and I hope 15 without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself; and for that reason, among others, perhaps fatal to his country; 20 measures, the effects of which, I am afraid, are for ever incurable. He made an administration, so checkered and speckled; he put together a piece of joinery, so crossly indented and whimsically dove tailed; a cabinet so variously inlaid; such a piece of diversified Mosaic; 25 such a tessellated pavement without cement; here a bit

of black stone, and there a bit of white ; patriots and courtiers ; King's friends and republicans ; whigs and tories ; treacherous friends and open enemies ; that it was indeed a very curious show ; but utterly unsafe to 5 touch, and unsure to stand on. The colleagues whom he had assorted at the same boards, stared at each other, and were obliged to ask, 'Sir, your name?'—'Sir, you have the advantage of me'—'Mr Such-a-one'—'I beg a thousand pardons—' I venture to say, it did so happen, 10 that persons had a single office divided between them, who had never spoke to each other in their lives, until they found themselves, they knew not how, pigging together, heads and points, in the same truckle-bed.

Sir, in consequence of this arrangement, having put 15 so much the larger part of his enemies and opposers into power, the confusion was such, that his own principles could not possibly have any effect or influence in the conduct of affairs. If ever he fell into a fit of the gout, or if any other cause withdrew him from public cares, 20 principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

When his face was hid but for a moment, his whole 25 system was on a wide sea, without chart or compass. The gentlemen, his particular friends, who, with the names of various departments of ministry, were admitted to seem as if they acted a part under him, with a modesty that becomes all men, and with a confidence in him, 30 which was justified, even in its extravagance, by his superior abilities, had never, in any instance, presumed upon any opinion of their own. Deprived of his guiding

influence, they were whirled about, the sport of every gust, and easily driven into every port ; and as those who joined with them in manning the vessel were the most directly opposite to his opinions, measures, and character, and far the most artful and most powerful of the set, 5 they easily prevailed, so as to seize upon the vacant, unoccupied, and derelict minds of his friends ; and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray him, even long before the close of the first session of his administration, when everything was publicly transacted, and with great parade, in his name, they made an Act, declaring it highly just and expedient to raise a revenue in America. For even then, Sir, even before this splendid orb was entirely set, and while the Western 15 horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and, for his hour, became lord of the ascendant.

This light too is passed and set for ever. You understand, to be sure, that I speak of Charles Townshend, 20 officially the re-producer of this fatal scheme ; whom I cannot even now remember without some degree of sensibility. In truth, Sir, he was the delight and ornament of this House, and the charm of every private society which he honoured with his presence. Perhaps 25 there never arose in this country, nor in any country, a man of a more pointed and finished wit ; and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgement. If he had not so great a stock, as some have had who flourished formerly, of 30 knowledge long treasured up, he knew better by far, than any man I ever was acquainted with, how to bring to-

gether, within a short time, all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most 5 luminous explanation and display of his subject. His style of argument was neither trite and vulgar, nor subtle and abstruse. He hit the House just between wind and water. And not being troubled with too anxious a zeal for any matter in question, he was never more tedious, or 10 more earnest, than the pre-conceived opinions and present temper of his hearers required; to whom he was always in perfect unison. He conformed exactly to the temper of the House; and he seemed to guide, because he was always sure to follow it.

15 I beg pardon, Sir, if, when I speak of this and of other great men, I appear to digress in saying something of their characters. In this eventful history of the revolutions of America, the characters of such men are of much importance. Great men are the guide-posts and 20 land-marks in the state. The credit of such men at court, or in the nation, is the sole cause of all the public measures. It would be an invidious thing (most foreign, I trust, to what you think my disposition) to remark the errors into which the authority of great names has brought 25 the nation, without doing justice, at the same time, to the great qualities whence that authority arose. The subject is instructive to those who wish to form themselves on whatever of excellence has gone before them. There are many young members in the House (such of 30 late has been the rapid succession of public men) who never saw that prodigy, Charles Townshend; nor of course know what a ferment he was able to excite in

everything by the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly—many of us remember them ; we are this day considering the effect of them. But he had no failings which were not owing to a noble cause ; to an ardent, generous, perhaps an ⁵ immoderate, passion for fame ; a passion which is the instinct of all great souls. He worshipped that goddess wheresoever she appeared ; but he paid his particular devotions to her in her favourite habitation, in her chosen temple, the House of Commons. Besides the characters ¹⁰ of the individuals that compose our body, it is impossible, Mr Speaker, not to observe that this House has a collective character of its own. That character too, however imperfect, is not unamiable. Like all great public collections of men, you possess a marked love of ¹⁵ virtue, and an abhorrence of vice. But among vices, there is none which the House abhors in the same degree with *obstinacy*. Obstinacy, Sir, is certainly a great vice ; and in the changeful state of political affairs it is frequently the cause of great mischief. It happens, how- ²⁰ ever, very unfortunately, that almost the whole line of the great and masculine virtues, constancy, gravity, magnanimity, fortitude, fidelity, and firmness, are closely allied to this disagreeable quality, of which you have so just an abhorrence ; and, in their excess, all these virtues ²⁵ very easily fall into it. He, who paid such a punctilious attention to all your feelings, certainly took care not to shock them by that vice which is the most disgusting to you.

That fear of displeasing those who ought most to be ³⁰ pleased, betrayed him sometimes into the other extreme. He had voted, and, in the year 1765, had been an advo-

cate, for the Stamp Act. Things and the disposition of men's minds were changed. In short, the Stamp Act began to be no favourite in this House. He therefore attended at the private meeting, in which the resolutions 5 moved by a Right Honourable Gentleman were settled ; resolutions leading to the Repeal. The next day he voted for that Repeal ; and he would have spoken for it too, if an illness, (not, as was then given out, a political, but to my knowledge, a very real illness,) had not prevented it.

The very next session, as the fashion of this world passeth away, the Repeal began to be in as bad an odour in this House as the Stamp Act had been in the session before. To conform to the temper which began to 15 prevail, and to prevail most amongst those most in power, he declared, very early in the winter, that a revenue must be had out of America. Instantly he was tied down to his engagements by some, who had no objection to such experiments, when made at the cost of persons 20 for whom they had no particular regard. The whole body of courtiers drove him onward. They always talked as if the King stood in a sort of humiliated state, until something of the kind should be done.

Here this extraordinary man, then Chancellor of the 25 Exchequer, found himself in great straits. To please universally was the object of his life ; but to tax and to please, no more than to love and to be wise, is not given to men. However, he attempted it. To render the tax palatable to the partizans of American revenue, he made 30 a preamble stating the necessity of such a revenue. To close with the American distinction, this revenue was *external* or port-duty ; but again, to soften it to the other

party, it was a duty of *supply*. To gratify the *Colonists*, it was laid on British manufactures; to satisfy the *merchants of Britain*, the duty was trivial, and (except that on tea, which touched only the devoted East India Company) on none of the grand objects of commerce. To 5 counterwork the American contraband, the duty on tea was reduced from a shilling to three-pence. But to secure the favour of those who would tax America, the scene of collection was changed, and, with the rest, it was levied in the Colonies. What need I say more? 10 This fine-spun scheme had the usual fate of all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the child of the House. He never thought, did, or said anything, but 15 with a view to you. He every day adapted himself to your disposition; and adjusted himself before it, as at a looking-glass.

He had observed (indeed it could not escape him) that several persons, infinitely his inferiors in all respects, 20 had formerly rendered themselves considerable in this House by one method alone. They were a race of men (I hope in God the species is extinct) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to principles, 25 from any order or system in their politicks, or from any sequel or connexion in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were 30 fixed on them, all ears open to hear them; each party gaped, and looked alternately for their vote, almost to the

end of their speeches. While the House hung in this uncertainty, now the *Hear-hims* rose from this side—now they rebellowed from the other; and that party, to whom they fell at length from their tremulous and dancing 5 balance, always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted by one, to whom a single whiff of incense withheld gave much greater pain, than he received delight in the clouds of it, which daily rose about him from the 10 prodigal superstition of innumerable admirers. He was a candidate for contradictory honours ; and his great aim was to make those agree in admiration of him who never agreed in anything else.

Hence arose this unfortunate Act, the subject of this 15 day's debate ; from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all.

THIS Revenue Act of 1767 formed the fourth period 20 of American policy. How we have fared since then—what woeful variety of schemes have been adopted ; what enforcing, and what repealing ; what bullying, and what submitting ; what doing, and undoing ; what straining, and what relaxing ; what assemblies dissolved for not 25 obeying, and called again without obedience ; what troops sent out to quell resistance, and on meeting that resistance, recalled ; what shiftings, and changings, and jumblings of all kinds of men at home, which left no possibility of order, consistency, vigour, or even so much 30 as a decent unity of colour in any one public measure—It is a tedious, irksome task. My duty may call me to

open it out some other time; on a former occasion I tried your temper on a part of it; for the present I shall forbear.

After all these changes and agitations, your immediate situation upon the question on your paper is at length 5 brought to this. You have an Act of Parliament, stating, that 'it is *expedient* to raise a revenue in America.' By a partial repeal you annihilated the greatest part of that revenue, which this preamble declares to be so expedient. You have substituted no other in the place of it. 10 A Secretary of State has disclaimed, in the King's name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions (under a preamble declaring an 15 American revenue expedient, and for the sole purpose of supporting the theory of that preamble) militates with the assurance authentically conveyed to the Colonies; and is an exhaustless source of jealousy and animosity. On this state, which I take to be a fair one; not being 20 able to discern any grounds of honour, advantage, peace, or power, for adhering, either to the Act or to the preamble, I shall vote for the question which leads to the repeal of both.

If you do not fall in with this motion, then secure 25 something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honourable right, or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be 30 a means of drawing on you further but unreasonable claims,—why then employ your force in supporting that

reasonable conception against those unreasonable demands. You will employ it with more grace ; with better effect ; and with great probable concurrence of all the quiet and rational people in the provinces ; who are 5 now united with, and hurried away by, the violent ; having indeed different dispositions, but a common interest. If you apprehend that on a concession you shall be pushed by metaphysical process to the extreme lines, and argued out of your whole authority, my advice 10 is this ; when you have recovered your old, your strong, your tenable position, then face about—stop short—do nothing more—reason not at all—oppose the antient policy and practice of the Empire, as a rampart against the speculations of innovators on both sides of the 15 question ; and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

Your Ministers, in their own and his Majesty's name, have already adopted the American distinction of internal 20 and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves ; and I think they will acquiesce in it, if they are not pushed with too much logick and too little sense, in all the consequences. That is, if external taxation be 25 understood, as they and you understand it, when you please, to be not a distinction of geography, but of policy ; that it is a power for regulating trade, and not for supporting establishments. The distinction, which is as nothing with regard to right, is of most weighty consideration in practice. Recover your old ground, and 30 your old tranquillity—try it—I am persuaded the Americans will compromise with you. When confidence is

once restored, the odious and suspicious *summum jus* will perish of course. The spirit of practicability, of moderation, and mutual convenience, will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. Let 5 not the long story, with which I have exercised your patience, prove fruitless to your interests.

For my part, I should choose (if I could have my wish) that the proposition of the Honourable Gentleman for the Repeal could go to America without the attendance 10 of the penal Bills. Alone I could almost answer for its success. I cannot be certain of its reception in the bad company it may keep. In such heterogeneous assortments, the most innocent person will lose the effect of his innocence. Though you should send out this angel 15 of peace, yet you are sending out a destroying angel too: and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, is what I dare not say: whether the lenient measures would cause American passion to subside, or the severe 20 would increase its fury. All this is in the hand of Providence. Yet now, even now, I should confide in the prevailing virtue and efficacious operation of lenity, though working in darkness, and in chaos, in the midst of all this unnatural and turbid combination: I should 25 hope it might produce order and beauty in the end.

Let us, Sir, embrace some system or other before we end this Session. Do you mean to tax America, and to draw a productive revenue from thence? If you do, speak out; name, fix, ascertain this revenue; settle its 30 quantity; define its objects; provide for its collection; and then fight when you have something to fight for.

If you murder—rob! if you kill—take possession! and do not appear in the character of madmen, as well as assassins, violent, vindictive, bloody, and tyrannical, without an object. But may better counsels guide you!

5 Again, and again, revert to your own principles—*Seek Peace, and ensue it*—leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, not attempting to mark their boundaries. I do not enter into these metaphysical 10 distinctions; I hate the very sound of them. Leave the Americans as they antiently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions, 15 in contradiction to that good old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burthen them by taxes; you were not used to do so from the 20 beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But, if intemperately, unwisely, fatally, you sophisticate and poison the very source of 25 government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard, the boar will 30 surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. No-body

will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability ; let the best of them get up, and tell me, what one character of liberty the Americans have, and what one brand of slavery they are free from, if they are bound in their property and 5 industry, by all the restraints you can imagine on commerce, and at the same time are made pack-horses of every tax you choose to impose, without the least share in granting them. When they bear the burthens of unlimited monopoly, will you bring them to bear the 10 burthens of unlimited revenue too ? The Englishman in America will feel that this is slavery—that it is *legal* slavery, will be no compensation, either to his feelings or his understanding.

A Noble Lord, who spoke some time ago, is full of 15 the fire of ingenuous youth ; and when he has modelled the ideas of a lively imagination by further experience, he will be an ornament to his country in either House. He has said, that the Americans are our children, and how can they revolt against their parent ? He says, that if 20 they are not free in their present state, England is not free ; because Manchester, and other considerable places, are not represented. So then, because some towns in England are not represented, America is to have no representative at all. They *are* our children ; but when 25 children ask for bread, we are not to give a stone. Is it because the natural resistance of things, and the various mutations of time, hinder our government, or any scheme of government, from being any more than a sort of approximation to the right—is it therefore that the 30 Colonies are to recede from it infinitely ? When this child of ours wishes to assimilate to its parent, and to

reflect with a true filial resemblance the beauteous countenance of British liberty; are we to turn to them the shameful parts of our Constitution? are we to give them our weakness for their strength? our opprobrium for 5 their glory? and the slough of slavery, which we are not able to work off, to serve them for their freedom?

If this be the case, ask yourselves this question, Will they be content in such a state of slavery? If not, look to the consequences. Reflect how you are to govern a 10 people, who think they ought to be free, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience; and such is the state of America, that after wading up to your eyes in blood, you could only end just where you begun; that 15 is, to tax where no revenue is to be found, to—my voice fails me; my inclination indeed carries me no farther—all is confusion beyond it.

Well, Sir, I have recovered a little, and before I sit down I must say something to another point with which 20 gentlemen urge us. What is to become of the Declaratory Act asserting the entireness of British legislative authority, if we abandon the practice of taxation?

For my part I look upon the rights stated in that Act, exactly in the manner in which I viewed them on its very 25 first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the Colonists ought to enjoy under these rights, to be just the most reconcilable things in the world. The 30 Parliament of Great Britain sits at the head of her extensive Empire in two capacities: one as the local legislature of this island, providing for all things at home,

immediately, and by no other instrument than the executive power. The other, and I think her nobler capacity, is what I call her *imperial character*; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controuls them all, 5 without annihilating any. As all these provincial legislatures are only co-ordinate with each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to 10 coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the over-ruling plenitude of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable Parliament to 15 answer all these ends of provident and beneficent superintendence, her powers must be boundless. The gentlemen who think the powers of Parliament limited, may please themselves to talk of requisitions. But suppose the requisitions are not obeyed? What! Shall there be 20 no reserved power in the Empire, to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war—the Secretary of State calls upon the Colonies to contribute—some would do it, I think most would chearfully furnish whatever is demanded— 25 one or two, suppose, hang back, and, easing themselves, let the stress of the draft lie on the others—surely it is proper, that some authority might legally say—‘Tax yourselves for the common supply, or Parliament will do it for you.’ This backwardness was, as I am told, actually 30 the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal

dissensions in the Colony. But whether the fact were so, or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power; nor ever used in the first instance. This is what I meant, when I have said at various times, that I consider the power of taxing in Parliament as an instrument of empire, and not as a means of supply.

Such, Sir, is my idea of the Constitution of the British Empire, as distinguished from the Constitution of Britain; and on these grounds I think subordination and liberty may be sufficiently reconciled through the whole; whether to serve a refining speculatist, or a factious demagogue, I know not; but enough surely for the ease and happiness of man.

Sir, whilst we held this happy course, we drew more from the Colonies than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war. It has never been once denied: and what reason have we to imagine that the Colonies would not have proceeded in supplying government as liberally, if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course; by attempting to take, instead of being satisfied to receive?

Sir William Temple says, that Holland has loaded itself with ten times the impositions, which it revolted from Spain rather than submit to. He says true. Tyranny is a poor provider. It knows neither how to accumulate, nor how to extract.

I charge therefore to this new and unfortunate system the loss not only of peace, of union, and of commerce,

but even of revenue, which its friends are contending for. It is morally certain, that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those, who look for a revenue from the provinces, never could have pursued, 5 even in that light, a course more directly repugnant to their purposes.

Now, Sir, I trust I have shown, first on that narrow ground which the Honourable Gentleman measured, that you are likely to lose nothing by complying with the 10 motion, except what you have lost already. I have shown afterwards, that in time of peace you flourished in commerce, and, when war required it, had sufficient aid from the Colonies, while you pursued your antient policy; that you threw everything into confusion when 15 you made the Stamp Act; and that you restored everything to peace and order when you repealed it. I have shown that the revival of the system of taxation has produced the very worst effects; and that the partial repeal has produced, not partial good, but universal evil. 20 Let these considerations, founded on facts, not one of which can be denied, bring us back to our reason by the road of our experience.

I cannot, as I have said, answer for mixed measures: but surely this mixture of lenity would give the whole a 25 better chance of success. When you once regain confidence, the way will be clear before you. Then you may enforce the Act of Navigation when it ought to be enforced. You will yourselves open it where it ought still further to be opened. Proceed in what you do, 30 whatever you do, from policy, and not from rancour. Let us act like men—let us act like statesmen. Let us

hold some sort of consistent conduct. It is agreed that a revenue is not to be had in America. If we lose the profit, let us get rid of the odium.

On this business of America, I confess I am serious, 5 even to sadness. I have had but one opinion concerning it since I sat, and before I sat, in Parliament. The noble Lord will, as usual, probably attribute the part taken by me and my friends in this business, to a desire of getting his places. Let him enjoy this happy and 10 original idea. If I deprived him of it, I should take away most of his wit, and all his argument. But I had rather bear the brunt of all his wit, and indeed blows much heavier, than stand answerable to God for embracing a system that tends to the destruction of some 15 of the very best and fairest of his works. But I know the map of England, as well as the noble Lord, or as any other person; and I know that the way I take is not the road to preferment. My excellent and honourable friend under me on the floor has trod that road with 20 great toil for upwards of twenty years together. He is not yet arrived at the noble Lord's destination. However, the tracks of my worthy friend are those I have ever wished to follow; because I know they lead to honour. Long may we tread the same road together; 25 whoever may accompany us, or whoever may laugh at us on our journey! I honestly and solemnly declare, I have in all seasons adhered to the system of 1766, for no other reason, than that I think it laid deep in your truest interests; and that, by limiting the exercise, 30 it fixes, on the firmest foundations, a real, consistent, well-grounded authority in Parliament. Until you come back to that system, there will be no peace for England.

SPEECH
OF
EDMUND BURKE, Esq.,
ON
MOVING HIS RESOLUTIONS
FOR
CONCILIATION
WITH THE COLONIES

MARCH 22, 1775.

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ON CONCILIATION WITH AMERICA.

I HOPE, Sir, that notwithstanding the austerity of the Chair, your good nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, 5 should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal Bill, by which we had passed sentence on the trade and sustenance of America, is to be returned to 10 us from the other House. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favour; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its 15 nature, so very uncertain in its issue. By the return of this Bill, which seemed to have taken its flight for ever, we are at this very instant nearly as free to chuse a plan for our American Government as we were on the first day of the Session. If, Sir, we incline to the side of 20 conciliation, we are not at all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint. We are therefore called upon, as it were by superior warning voice, again to attend to America; to attend to the whole of it together; and 25 to review the subject with an unusual degree of care and calmness.

Surely it is an awful subject; or there is none so or this side of the grave. When I first had the honour of a seat in this House, the affairs of that Continent pressed themselves upon us, as the most important and most delicate object of Parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our Colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British Empire. Something of this sort seemed to be indispensable; in order, amid so vast a fluctuation of passions and opinions, to concentrate my thoughts; to ballast my conduct; to preserve me from being blown about by every wind of fashionable doctrine. I really did not think it safe, or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated with the sharpness and strength of that early impression, I have continued ever since, without the least deviation in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious adherence to what appears to me truth and reason, it is in your equity to judge.

Sir, Parliament having an enlarged view of objects made, during this interval, more frequent changes in their sentiments and their conduct, than could be justi-

fied in a particular person upon the contracted style of private information. But though I do not hazard anything approaching to a censure on the motives of former Parliaments to all those alterations, one fact is undoubted—that under them the state of America has 5 been kept in continual agitation. Everything administered as remedy to the public complaint, if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important Country has been brought into her present 10 situation;—a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the Session. About that time, a worthy Member of 15 great Parliamentary experience, who, in the year 1766, filled the chair of the American Committee with much ability, took me aside; and, lamenting the present aspect of our politicks, told me, things were come to such a pass, that our former methods of proceeding in 20 the House would be no longer tolerated. That the public tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of Ministerial measures, instead of convicting their authours of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigour as cruel, and every proposal of lenity as weak and irresolute. The 25 30 publick, he said, would not have patience to see us play the game out with our adversaries: we must produce

our hand. It would be expected, that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of Colony Government ; and were capable of 5 drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my Honourable Friend represented ; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking, than myself. Though I gave so far into his opinion, that I immediately threw my thoughts into a 15 sort of Parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard Plans of Government, except from a seat of Authority. Propositions are made, not 20 only ineffectually, but somewhat disreputably, when the minds of men are not properly disposed for their reception ; and for my part, I am not ambitious of ridicule ; not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in 25 general no very exalted opinion of the virtue of Paper Government ; nor of any Politicks, in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more ; and that things were hastening towards an 30 incurable alienation of our Colonies ; I confess my caution gave way. I felt this, as one of those few moments in which decorum yields to a higher duty.

Public calamity is a mighty leveller; and there are occasions when any, even the slightest, chance of doing good, must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an Empire so great 5 and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, 10 at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are, by what you ought to be, I persuaded myself that you would not reject a reasonable 15 proposition, because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adventitious, I was very sure, that, if my proposition were futile or dangerous; if it were weakly conceived, or improperly 20 timed, there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is; and you will treat it just as it deserves.

The proposition is Peace. Not Peace through the medium of War; not Peace to be hunted through the 25 labyrinth of intricate and endless negotiations; not Peace to arise out of universal discord, fomented, from principle, in all parts of the Empire; not Peace to depend on the Juridical Determination of perplexing questions; or the precise marking the shadowy boundaries of a complex Government. It is simple Peace; sought in its natural course, and in its ordinary haunts.

—It is Peace sought in the Spirit of Peace ; and laid in principles purely pacific. I propose, by removing the Ground of the difference, and by restoring the *former unsuspecting confidence of the Colonies in the Mother Country*, to give permanent satisfaction to your people ; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest which reconciles them to British Government.

10 My idea is nothing more. Refined policy ever has been the parent of confusion ; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the
15 Government of Mankind. Genuine Simplicity of heart is an healing and cementing principle. My Plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people, when they hear it. It has nothing to recommend it to the pruriency
20 of curious ears. There is nothing at all new and captivating in it. It has nothing of the Splendor of the Project which has been lately laid upon your Table by the Noble Lord in the Blue Ribband. It does not propose to fill your lobby with squabbling Colony
25 Agents, who will require the interposition of your Mace, at every instant, to keep the peace amongst them. It does not institute a magnificent Auction of Finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the
30 hammer, and determine a proportion of payments beyond all the powers of Algebra to equalize and settle.

The plan which I shall presume to suggest, derives,

however, one great advantage from the proposition and registry of that Noble Lord's Project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the Noble Lord, has admitted, notwithstanding the menacing front of our Address, 5 notwithstanding our heavy Bills of Pains and Penalties —that we do not think ourselves precluded from all ideas of free Grace and Bounty.

The House has gone farther; it has declared conciliation admissible, *previous* to any submission on the 10 part of America. It has even shot a good deal beyond that mark, and has admitted, that the complaints of our former mode of exerting the Right of Taxation were not wholly unfounded. That right thus exerted is allowed to have something reprehensible in it; something unwise, 15 or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from 20 all the ancient methods and forms of Parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the Noble Lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall 25 endeavour to show you before I sit down. But, for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and, where there has been a material dispute, reconciliation does in a manner always imply concession on the 30 one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to

originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honour and with safety. Such an offer 5 from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses for ever that time and those chances, which, as they happen to all men, 10 are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide are these two: First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained 15 (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgement, I think 20 it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America, according to that nature, and to those circumstances; and not 25 according to our own imaginations; nor according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavour, with your 30 leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

THE first thing that we have to consider with regard to the nature of the object is—the number of people in the Colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below Two Millions of 5 inhabitants of our own European blood and colour; besides at least 500,000 others, who form no inconsiderable part of the strength and opulence of the whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so 10 much weight and importance. But whether I put the present numbers too high or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the 15 exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing Two Millions, we shall find we have Millions more to manage. Your children do not grow faster from infancy to man- 20 hood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, Sir, this consideration will make it evident to 25 a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you that it is not to be considered as one of those *Minima* which are out of the eye and consideration of the law; 30 not a paltry excrescence of the state; not a mean dependant, who may be neglected with little damage,

and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the 5 interests and feelings of the human race. You could at no time do so without guilt; and be assured you will not be able to do it long with impunity.

BUT the population of this country, the great and growing population, though a very important consideration, will lose much of its weight, if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished 15 person, at your bar. This gentleman, after Thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

25 Sir, I should be inexcusable in coming after such a person with any detail; if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat 30 different from his. There is, if I mistake not, a point of view, from whence if you will look at the subject,

it is impossible that it should not make an impression upon you.

I have in my hand two accounts; one a comparative state of the export trade of England to its Colonies, as it stood in the year 1704, and as it stood in the year 1772.⁵ The other a state of the export trade of this country to its Colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the Colonies included) in the year 1704. They are from good vouchers; the latter period from the accounts on ¹⁰ your table, the earlier from an original manuscript of Davenant, who first established the Inspector-General's office, which has been ever since his time so abundant a source of Parliamentary information.

The export trade to the Colonies consists of three ¹⁵ great branches. The African, which, terminating almost wholly in the Colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven, that the attempt to separate them, would tear to pieces the contexture of ²⁰ the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be, what in effect they are, one trade.

The trade to the Colonies, taken on the export side, ²⁵ at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America, and the

West Indies	.	.	.	.	£483,265	
To Africa	.	.	.	.	<u>86,665</u>	³⁰
					<u>£569,930</u>	

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America, and the West

5	Indies	£4,791,734
	To Africa	866,398
	To which if you add the export trade from Scotland, which had in 1704 no existence	364,000
10		<u>£6,022,132</u>

From Five Hundred and odd Thousand, it has grown to Six Millions. It has increased no less than twelve-fold. This is the state of the Colony trade, as compared with itself at these two periods, within this century;—and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the Colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

20 The whole export trade of England,
including that to the Colonies, in

1704	£6,509,000
Export to the Colonies alone, in 1772	6,024,000
Difference,	<u>£485,000</u>

25 The trade with America alone is now within less than 500,000*l.* of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather

have exceeded. But, it will be said, is not this American trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been 5 greatly augmented; and augmented more or less in almost every part to which it ever extended; but with this material difference, that of the Six Millions which in the beginning of the century constituted the whole mass of our export commerce, the Colony trade was 10 but one twelfth part; it is now (as a part of Sixteen Millions) considerably more than a third of the whole. This is the relative proportion of the importance of the Colonies at these two periods: and all reasoning concerning our mode of treating them must have this 15 proportion as its basis; or it is a reasoning weak, rotten, and sophistical.

Mr Speaker, I cannot prevail on myself to hurry over this great consideration. *It is good for us to be here.* We stand where we have an immense view of what is, 20 and what is past. Clouds, indeed, and darkness rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within Sixty-eight 25 years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was then old enough *acta parentum* 30 *jam legere, et quæ sit potuit cognoscere virtus.* Suppose, Sir, that the angel of this auspicious youth, foreseeing

the many virtues, which made him one of the most amiable, as he is one of the most fortunate, men of his age, had opened to him in vision, that when, in the fourth generation the third Prince of the House of 5 Brunswick had sat Twelve years on the throne of that nation, which (by the happy issue of moderate and healing counsels) was to be made Great Britain, he should see his son, Lord Chancellor of England, turn back the current of hereditary dignity to its fountain, 10 and raise him to a higher rank of Peerage, whilst he enriched the family with a new one—if amidst these bright and happy scenes of domestic honour and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and, whilst he 15 was gazing with admiration on the then commercial grandeur of England, the Genius should point out to him a little speck, scarcely visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him—‘Young man, there 20 is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has 25 been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of Seventeen Hundred years, you shall see as much added to her by America in the course of a single 30 life!’ If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make

him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704, that province called for 11,459*l.* in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why, nearly Fifty times as much; for in that year the export to Pennsylvania was 507,909*l.*, nearly equal to the export to all the Colonies together in the first period.

I choose, Sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our Colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object, in view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure, which deceive the burthen of life; how many materials which invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed: but I must prescribe bounds to myself in a matter so vast and various.

I PASS therefore to the Colonies in another point of view, their agriculture. This they have prosecuted with

such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded they will 5 export much more. At the beginning of the century some of these colonies imported corn from the mother country. For some time past, the Old World has been fed from the New. The scarcity which you have felt would have been a desolating famine, if this child of 10 your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the Colonies have drawn from the sea by their fisheries, you had all that matter fully 15 opened at your bar. You surely thought those acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what 20 in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the Whale Fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest 25 frozen recesses of Hudson's Bay and Davis's Streights, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen Serpent of the south. Falkland 30 Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and

resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them, than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprize, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the Colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigour relents. I pardon something to the spirit of liberty. 25

I AM sensible, Sir, that all which I have asserted in my detail, is admitted in the gross; but that quite a different conclusion is drawn from it. America, Gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect

will be led to their choice of means by their complexions and their habits. Those who understand the military art, will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management, than of force ; considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connexion with us.

First, Sir, permit me to observe, that the use of force alone is but *temporary*. It may subdue for a moment ; but it does not remove the necessity of subduing again : and a nation is not governed, which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force ; and an armament is not a victory. If you do not succeed, you are without resource ; for, conciliation failing, force remains ; but, force failing, no further hope of conciliation is left. Power and authority are sometimes bought by kindness ; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover ; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own ; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy

at the end of this exhausting conflict ; and still less in the midst of it. I may escape ; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit ; because it is the spirit that has made the country

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Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our Colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we ¹⁰ know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it ; and our sin far more salutary than our penitence.

THESE, Sir, are my reasons for not entertaining that high opinion of untried force, by which many Gentlemen, ¹⁵ for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of ²⁰ America, even more than its population and its commerce, I mean its *Temper and Character*.

In this Character of the Americans, a love of Freedom is the predominating feature which marks and distinguishes the whole : and as an ardent is always a jealous ²⁵ affection, your Colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of Liberty is stronger in the English ³⁰ Colonies probably than in any other people of the earth ;

and this from a great variety of powerful causes ; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

5 First, the people of the Colonies are descendants of Englishmen. England, Sir, is a nation, which still I hope respects, and formerly adored, her freedom. The Colonists emigrated from you when this part of your character was most predominant ; and they took this
10 bias and direction the moment they parted from your hands. They are therefore not only devoted to Liberty, but to Liberty according to English ideas, and on English principles. Abstract Liberty, like other mere abstractions, is not to be found. Liberty inheres in some
15 sensible object ; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of
20 Taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates ; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On
25 this point of Taxes the ablest pens, and most eloquent tongues, have been exercised ; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended
30 the excellence of the English Constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in

ancient parchments, and blind usages, to reside in a certain body called an House of Commons. They went much farther; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of an House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, meditately or immediately, possess the power of granting their own money, or no shadow of liberty can subsist. The Colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity, or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in an high degree; some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their

ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation 5 of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired ; and their mode of professing it is also one main cause of this free spirit. The people are protestants ; and of that kind 10 which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, 15 is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholick religion is at least coeval with most of the governments where it prevails ; that it has generally gone hand in hand with them, and received great favour and every 20 kind of support from authority. The Church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world ; and could justify that opposition only on 25 a strong claim to natural liberty. Their very existence depended on the powerful and unremitting assertion of that claim. All protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our Northern Colonies is a refinement on the 30 principle of resistance ; it is the dissidence of dissent, and the protestantism of the protestant religion. This religion, under a variety of denominations agreeing in

nothing but in the communion of the spirit of liberty, is predominant in most of the Northern provinces ; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people. The 5 Colonists left England when this spirit was high, and in the emigrants was the highest of all ; and even that stream of foreigners, which has been constantly flowing into these Colonies, has, for the greatest part, been composed of dissenters from the establishments of their 10 several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some Gentlemen object to the latitude of this description ; because 15 in the Southern Colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these Colonies, which, in my opinion, fully counter-balances this difference, and makes the spirit of liberty 20 still more high and haughty than in those to the Northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free, are by far the most proud and jealous of their freedom. Freedom is to 25 them not only an enjoyment, but a kind of rank and privilege. Not seeing there, that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty 30 looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend the

superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the Southern Colonies are much more strongly, and with an higher 5 and more stubborn spirit, attached to liberty, than those to the Northward. Such were all the ancient commonwealths; such were our Gothick ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, 10 the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our Colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their 15 education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the Deputies sent to the Congress were lawyers. But all who read (and most do read), 20 endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the Law exported to the Plantations. The Colonists have now fallen into the 25 way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states that all the people in his government are 30 lawyers or smatterers in law; and that in Boston they have been enabled by successful chicane, wholly to evade many parts of one of your capital penal constitutions.

The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my Honourable and Learned Friend on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.* This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial caste, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze. 20.

The last cause of this disobedient spirit in the Colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging

passions and furious elements, and says, *So far shalt thou go, and no farther.* Who are you, that you should fret and rage, and bite the chains of Nature? Nothing worse happens to you than does to all nations who have extensive Empire; and it happens in all the forms into which Empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Ægypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal Law, of extensive and detached Empire.

Then, Sir, from these six capital sources; of Descent; of Form of Government; of Religion in the Northern Provinces; of Manners in the Southern; of Education; of the Remoteness of Situation from the First Mover of Government; from all these causes a fierce Spirit of Liberty has grown up. It has grown with the growth of the people in your Colonies, and increased with the increase of their wealth; a Spirit, that unhappily meeting with an exercise of Power in England, which, however lawful, is not reconcileable to any ideas of Liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the Spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating Spirit of Freedom in them would be more acceptable to us. Perhaps ideas of Liberty might be desired, more reconcileable with an arbitrary and boundless authority. Perhaps we might wish the Colonists to be persuaded, that their Liberty is more secure when held in trust for them by us, as their guardians during a perpetual minority, than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame; but—what in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politicks, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For, what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the Colony Constitution derived all its activity, and its first vital movement, from

the pleasure of the Crown. We thought, Sir, that the utmost which the discontented Colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is, to establish a Government absolutely new. But having, for our purposes, in this contention, resolved, that none but an obedient Assembly should sit; the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a Government sufficient for its purposes, without the bustle of a Revolution, or the troublesome formality of an Election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the antient Government ever was in its most fortunate periods. Obedience is what makes Government, and not the names by which it is called; not the name of Governor, as formerly, or Committee, as at present. This new Government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this; that the Colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for Liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of Government to still greater lengths, we wholly abrogated the antient Government of Massachusett. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a compleat 5 submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without Governor, without public 10 Council, without Judges, without executive Magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed 15 infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further 20 experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to 25 prove that the Americans have no right to their Liberties, we are every day endeavouring to subvert the maxims, which preserve the whole Spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of Freedom itself; and we never 30 seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding

some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest enquiry.
5 Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning,
10 there are but three ways of proceeding relative to this stubborn Spirit, which prevails in your Colonies, and disturbs your Government. These are—To change that Spirit, as inconvenient, by removing the Causes. To prosecute it as criminal. Or, to comply with it as necessary.
15 I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the Colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally
20 of anger; like the frowardness of peevish children; who, when they cannot get all they would have, are resolved to take nothing.

THE first of these plans, to change the Spirit as inconvenient, by removing the causes, I think is the most
25 like a systematick proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the Plans which have been proposed.

30 As the growing population in the Colonies is evidently one cause of their resistance, it was last session men-

tioned in both Houses, by men of weight, and received not without applause, that in order to check this evil, it would be proper for the Crown to make no further grants of land. But to this scheme there are two objections, The first, that there is already so much unsettled land in 5 private hands, as to afford room for an immense future population, although the Crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the 10 possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. 15 They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual Tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow; a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become Hordes of English Tartars; and pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters 20 of your Governors and your Counsellors, your collectors, and comptrollers, and of all the Slaves that adhered to

them. Such would, and, in no long time, must be the effect of attempting to forbid as a crime, and to suppress as an evil, the Command and Blessing of Providence, *Encrease and Multiply*. Such would be the happy result of 5 the endeavour to keep as a lair of wild beasts, that earth, which God, by an express Charter, has *given to the children of men*. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be 15 wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of 20 hedging-in population to be neither prudent nor practicable.

To impoverish the Colonies in general, and in particular to arrest the noble course of their marine enterprizes, would be a more easy task. I freely confess it. 25 We have shown a disposition to a system of this kind; a disposition even to continue the restraint after the offence; looking on ourselves as rivals to our Colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The 30 power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the Colonies to resist our violence

as very formidable. In this, however, I may be mistaken. But when I consider, that we have Colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them un-serviceable, in order to keep them obedient. It is, in 5 truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course ; that dis- 10 content will encrease with misery ; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

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The temper and character which prevail in our Colonies, are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. 20 The language in which they would hear you tell them this tale would detect the imposition ; your speech would betray you. An Englishman is the unsittest person on earth, to argue another Englishman into slavery.

I think it is nearly as little in our power to change 25 their republican Religion, as their free descent ; or to substitute the Roman Catholick, as a penalty ; or the Church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World ; and I should not confide much to their 30 efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion.

You cannot persuade them to burn their books of curious science ; to banish their lawyers from their courts of laws ; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in 5 their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army by which we must govern in their place, would be far more chargeable to us ; not quite so effectual ; and perhaps, in the end, full 10 as difficult to be kept in obedience.

With regard to the high aristocratick spirit of Virginia and the Southern Colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of 15 their slaves. This project has had its advocates and panegyrists ; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be 20 free, as it is to compel freemen to be slaves ; and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too ; and arm servile hands in 25 defence of freedom ? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and 30 dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters ? from that nation, one of whose causes of quarrel with those masters is

their refusal to deal any more in that inhuman traffick? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would 5 be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The Ocean remains. You cannot pump this dry; 10 and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. '*Ye gods, annihilate but space and time, And make two lovers happy!*'—was a pious and passionate prayer; but just as reasonable, as many of the serious 15 wishes of very grave and solemn politicians.

IF then, Sir, it seems almost desperate to think of any alterative course, for changing the moral causes, and not quite easy to remove the natural, which produce 20 prejudices irreconcileable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*. 25

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on 30 the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state,

and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great Empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of Millions of my fellow-creatures, as Sir Edward Coke insulted one excellent individual (Sir Walter Rawleigh) 5 at the bar. I hope I am not ripe to pass sentence on the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think, that for wise men, this is not judicious; 10 for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an Empire, as distinguished from a single State or Kingdom. But my idea of it is this; that an Empire is the aggregate of 15 many States under one common head; whether this head be a monarch, or a presiding republick. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have 20 many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from 25 the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power. For to talk of the

privileges of a State, or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more compleatly imprudent, than for 5 the Head of the Empire to insist, that, if any privilege is pleaded against his will, or his acts, his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, Sir, very soon teach the provinces to make 10 no distinctions on their part? Will it not teach them that the Government, against which a claim of Liberty is tantamount to high-treason, is a Government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities 15 with such an idea.

We are indeed, in all disputes with the Colonies, by the necessity of things, the judge. It is true, Sir. But I confess, that the character of judge in my own cause is a thing that frightens me. Instead of filling me with 20 pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as 25 these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour, would not put me much at my ease in passing sentence; unless I could be sure, 30 that there were no rights which, in their exercise under certain circumstances, were not the most odious of all

wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right; and a culprit before me, while I sit as a criminal judge, on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but Justice is the same, let the Judge be in what situation he will.

There is, Sir, also a circumstance which convinces me, that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have Traitors brought hither, under an Act of Henry the Eighth, for Trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender either on our late or our former Address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which,

for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

IF then the removal of the causes of this Spirit of American Liberty be, for the greater part, or rather entirely, impracticable; if the ideas of Criminal Process be inapplicable, or if applicable, are in the highest degree inexpedient; what way yet remains? No way is open, but the third and last--to comply with the American Spirit as necessary; or, if you please, to submit to it as a necessary Evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be; to ascertain the nature of our concession, we must look at their complaint. The Colonies complain, that they have not the characteristic Mark and Seal of British Freedom. They complain, that they are taxed in a Parliament, in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

SIR, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true ; I put it totally out of the question. It is less than 5 nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the Policy of the question. I do not examine, whether 10 the giving away a man's money be a power excepted and reserved out of the general trust of government ; and how far all mankind, in all forms of Polity, are entitled to an exercise of that Right by the Charter of Nature. Or whether, on the contrary, a Right of Taxation is 15 necessarily involved in the general principle of Legislation, and inseparable from the ordinary Supreme Power. These are deep questions, where great names militate against each other ; where reason is perplexed ; and an appeal to authorities only thickens the confusion. For 20 high and reverend authorities lift up their heads on both sides ; and there is no sure footing in the middle. This point is the *great Serbonian bog, Betwixt Damiata and Mount Casius old, Where armies whole have sunk.* I do not intend to be overwhelmed in that bog, though in 25 such respectable company. The question with me is, not whether you have a right to render your people miserable ; but whether it is not your interest to make them happy. It is not, what a lawyer tells me I *may* do ; but what humanity, reason, and justice tell me I *ought* to 30 do. Is a politic act the worse for being a generous one ? Is no concession proper, but that which is made from your want of right to keep what you grant ? Or does it

lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of Titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of 5 the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is stedfastly my opinion of the absolute necessity of keeping up the concord of this Empire by an unity of 10 spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all Ideas of Liberty for 15 them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two million of men, impatient of Servitude, on the principles of Freedom. I am not determining a point of law; 20 I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we 25 yield as matter of right, or grant as matter of favour, is to admit the people of our Colonies into an interest in the Constitution; and, by recording that admission in the Journals of Parliament, to give them as strong an assurance as the nature of the thing will admit, that 30 we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the Repeal of a Revenue Act, upon its understood principle, might have served to show, that we intended an unconditional abatement of the exercise of a Taxing Power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the Colonies, than for the dignity and consistency of our own future proceedings.

10 I HAVE taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American Financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures for the future, for
15 men oppressed with such great and present evils. The more moderate among the opposers of Parliamentary Concession freely confess, that they hope no good from Taxation; but they apprehend the Colonists have further views; and if this point were conceded, they would
20 instantly attack the Trade Laws. These Gentlemen are convinced, that this was the intention from the beginning; and the quarrel of the Americans with Taxation was no more than a cloak and cover to this design. Such has been the language even of a Gentleman of real
25 moderation, and of a natural temper well adjusted to fair and equal Government. I am, however, Sir, not a little surprized at this kind of discourse, whenever I hear it; and I am the more surprized, on account of the arguments which I constantly find in company with
30 it, and which are often urged from the same mouths, and on the same day.

For instance, when we alledge, that it is against reason to tax a people under so many restraints in trade as the Americans, the Noble Lord in the blue ribband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the Trade Laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the Colonies; when these things are pressed or rather press themselves, so as to drive the advocates of Colony Taxes to a clear admission of the futility of the scheme; then, Sir, the sleeping Trade Laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up Revenue Laws which are mischievous, in order to preserve Trade Laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value; and yet one is always to be defended for the sake of the other. But I cannot agree with the Noble Lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the Trade Laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us: and in

former times they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the Revenue Laws form 5 any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or that the giving way, in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and 10 avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter, and the fewest of all, on the Trade Laws. To judge which of the two be the real, radical cause of quarrel, we have to see 15 whether the commercial dispute did, in order of time, precede the dispute on taxation? There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the Trade Laws be the real cause of quarrel, it is absolutely necessary to put the 20 taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it 25 is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures? Surely it is pre- 30 posterous at the very best. It is not justifying your anger, by their misconduct; but it is converting your ill-will into their delinquency.

But the Colonies will go further.—Alas ! alas ! when will this speculation against fact and reason end ? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct ? Is it true, that no case can exist, in which it is proper for the Sovereign 5 to accede to the desires of his discontented subjects ? Is there anything peculiar in this case, to make a rule for itself ? Is all authority of course lost, when it is not pushed to the extreme ? Is it a certain maxim, that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel ?

All these objections being in fact no more than suspicions, conjectures, divinations ; formed in defiance of fact and experience ; they did not, Sir, discourage 15 me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

IN forming a plan for this purpose, I endeavoured to put myself in that frame of mind which was the most 20 natural, and the most reasonable ; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities ; a total renunciation of every speculation of my own ; and with a profound reverence for the wisdom 25 of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

30

During the reigns of the kings of Spain of the Austrian

family, whenever they were at a loss in the Spanish councils, it was common for the statesmen to say, that they ought to consult the genius of Philip the Second. The genius of Philip the Second might mislead them ; and the issue of their affairs showed, that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when in a case of constitutional difficulty, I consult the genius of the English Constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me ; those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no Parliament. 15 How far the English Parliament itself was at that time modelled according to the present form, is disputed among antiquaries. But we have all the reason in the world to be assured that a form of Parliament, such as England then enjoyed, she instantly communicated to 20 Ireland ; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal Baronage, and the feudal Knighthood, the roots of our primitive Constitution, were early transplanted into that 25 soil ; and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was 30 made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority

and English liberties had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt, that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing ; and after the vain projects of a Military Government, attempted in the reign of Queen Elizabeth, it was soon discovered that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English Constitution, that conquered Ireland. From that time, Ireland has ever had a general Parliament, as she had before a partial Parliament. You changed the people ; you altered the religion ; but you never touched the form or the vital substance of free government in that Kingdom. You deposed kings ; restored them ; you altered the succession to theirs, as well as to your own Crown ; but you never altered their Constitution ; the principle of which was respected by usurpation ; restored with the restoration of Monarchy, and established, I trust, for ever, by the glorious Revolution. This has made Ireland the great and flourishing Kingdom that it is ; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such

times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that Kingdom. Your Irish pensioners 5 would starve if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come ; and learn to respect that only source of public wealth in the British Empire.

10 My next example is Wales. This country was said to be reduced by Henry the Third. It was said more truly to be so by Edward the First. But though then conquered, it was not looked upon as any part of the Realm of England. Its old Constitution, whatever that might 15 have been, was destroyed ; and no good one was substituted in its place. The care of that tract was put into the hands of Lords Marchers—a form of government of a very singular kind ; a strange heterogeneous monster, something between Hostility and Government ; perhaps 20 it has a sort of resemblance, according to the modes of those terms, to that of Commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the Genius of the Government ; the people were ferocious, restive, savage, 25 and uncultivated ; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder ; and it kept the frontier of England in perpetual alarm. Benefits from it to the State, there were none. Wales was only known to England by incursion and invasion.

30 Sir, during that state of things, Parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by

statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New 5 England by an instruction. They made an Act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another Act, where one of the parties was an Englishman, they ordained, that his trial should be 10 always by English. They made Acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the Statute Book was not quite so much swelled as it is now, you 15 find no less than fifteen Acts of penal regulation on the subject of Wales.

Here we rub our hands—A fine body of precedents for the authority of Parliament and the use of it!—I admit it fully; and pray add likewise to these precedents, that the while, Wales rid this Kingdom like an *incubus*; that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered. 25

The march of the human mind is slow. Sir, it was not, until after Two Hundred years, discovered, that, by an eternal law, Providence had decreed vexation to violence; and poverty to rapine. Your ancestors did however at length open their eyes to the ill husbandry 30 of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and

that laws made against a whole nation were not the most effectual methods of securing its obedience. Accordingly, in the Twenty-seventh year of Henry the Eighth, the course was entirely altered. With a preamble stating
5 the entire and perfect rights of the Crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established ; the military power gave way to the civil ; the Marches were turned into Counties. But that a nation should have a right to
10 English liberties, and yet no share at all in the fundamental security of these liberties—the grant of their own property—seemed a thing so incongruous ; that, Eight years after, that is, in the Thirty-fifth of that reign, a complete and not ill proportioned representation by
15 counties and boroughs was bestowed upon Wales, by Act of Parliament. From that moment, as by a charm, the tumults subsided ; obedience was restored ; peace, order, and civilization followed in the train of liberty. When the day-star of the English Constitution had
20 arisen in their hearts, all was harmony within and without—

25 —simul alba nautis
 Stella refusit,
 Defluit saxis agitatus humor ;
 Concidunt venti, fugiuntque nubes,
 Et minax (quod sic voluere) ponto
 Unda recumbit.

The very same year the County Palatine of Chester received the same relief from its oppressions, and the
30 same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the

rights of others ; and from thence Richard the Second drew the standing army of Archers, with which for a time he oppressed England. The people of Chester applied to Parliament in a petition penned as I shall read to you : 5

‘To the King our Sovereign Lord, in most humble wise shewen unto your Excellent Majesty the inhabitants of your Grace's County Palatine of Chester ; (1) That where the said County Palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your to High Court of Parliament, to have any Knights and Burgesses within the said Court ; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country : (2) And forasmuch as the said inhabitants have always hitherto been bound by the Acts and Statutes made and ordained by your said Highness, and your most noble progenitors, by authority of the said Court, as far forth as other 20 counties, cities, and boroughs have been, that have had their Knights and Burgesses within your said Court of Parliament, and yet have had neither Knight ne Burgess there for the said County Palatine ; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with Acts 25 and Statutes made within the said Court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said County Palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same.’ 30

What did Parliament with this audacious address ? — Reject it as a libel ? Treat it as an affront to Government ? Spurn it as a derogation from the rights of legislature ? Did they toss it over the table ? Did they burn

it by the hands of the common hangman?—They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it 5 the very preamble to their Act of redress; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized 10 as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles the Second, with regard to the County Palatine of 15 Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester Act; and, without affecting the 20 abstract extent of the authority of Parliament, it recognises the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these 25 preambles, and the force of these examples in the Acts of Parliaments, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the Act of Henry the Eighth says, the 30 Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as

numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the Colonies. Is 5 America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made Fifteen for Wales. But your legislative authority is perfect with regard to America.—Was it less perfect in Wales, Chester, and Durham? 10 But America is virtually represented.—What! does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighbourhood; or than Chester and Durham, surrounded by abundance of representation that is actual 15 and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient 20 for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the Colonies in Parliament. Perhaps 25 I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*—I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert 30 the impracticability of such a representation. But I do not see my way to it; and those who have been more

confident have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another.
5 When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute: But how? Where? What substitute?

Fortunately I am not obliged for the ways and means
10 of this substitute to tax my own unproductive invention.

I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the Republick of Plato; not to the Utopia of More; not to the Oceana of Harrington. It is before me—it is at my
15 feet, and the rude swain *Treads daily on it with his clouted shoon.* I only wish you to recognise, for the theory, the ancient Constitutional policy of this Kingdom with regard to representation, as that policy has been declared in Acts of Parliament; and, as to the practice,
20 to return to that mode which an uniform experience has marked out to you, as best; and in which you walked with security, advantage, and honour, until the year 1763.

My Resolutions therefore mean to establish the equity
25 and justice of a taxation of America by *grant*, and not by *imposition*. To mark the *legal competency* of the Colony Assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had a
30 *dutiful and beneficial exercise*; and that experience has shown the *benefit of their grants*, and the *futility of Parliamentary taxation as a method of supply*.

THESE solid truths compose six fundamental propositions. There are three more Resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. 5 I think these six massive pillars will be of strength sufficient to support the temple of British concord. I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace ; and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact ; and if they are such facts as draw irresistible conclusions even in the stating, this is the power of truth, and not any management of mine. 15

Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a Resolution—

'That the Colonies and Plantations of Great Britain in 20 North America, consisting of Fourteen separate Governments, and containing Two Millions and upwards of ~~tree~~ inhabitants, have not had the liberty and privilege of electing and sending any Knights and Burgesses, or others, to represent them in the High Court of Parliament.' 25

This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the Constitution ; it is taken nearly *verbatim* from Acts of Parliament.

The second is like unto the first—

30

'That the said Colonies and Plantations have been liable to, and bounden by, several subsidies, payments, rates, and

taxes, given and granted by Parliament, though the said Colonies and Plantations have not their Knights and Bur-gesses, in the said High Court of Parliament, of their own election, to represent the condition of their country ; by lack 5 whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said Court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same.'

Is this description too hot, or too cold, too strong, or 10 too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own antient Acts of Parliament.

15 Non meus hic sermo, sed quæ præcepit Ofellus,
Rusticus, abnormis sapiens.

It is the genuine produce of the antient, rustic, manly, home-bred sense of this country—I did not dare to rub off a particle of the venerable rust that rather adorns 20 and preserves, than destroys, the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly Constitutional materials. Above all things, 25 I was resolved not to be guilty of tampering : the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers ; where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was 30 written ; I was resolved to use nothing else than the form of sound words ; to let others abound in their own sense ; and carefully to abstain from all expressions of

my own. What the Law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second Resolution, which those who are resolved 5 always to be in the right will deny to contain matter of fact, as applied to the present case; although Parliament thought them true, with regard to the Counties of Chester and Durham. They will deny that the Americans were ever 'touched and grieved' with the taxes. If they 10 consider nothing in taxes but their weight as pecuniary impositions, there might be some pretence for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all 15 their freedom. When a man is robbed of a trifle on the highway, it is not the Two-pence lost that constitutes the capital outrage. This is not confined to privileges. Even antient indulgences withdrawn, without offence on the part of those who enjoyed such favours, operate as 20 grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all either wholly repealed, or exceedingly reduced? Were they not touched and grieved even by the regulating Duties of the Sixth of 25 George the Second? Else why were the duties first reduced to one Third in 1764, and afterwards to a Third of that Third in the year 1766? Were they not touched and grieved by the Stamp Act? I shall say they were, until that tax is revived. Were they not touched and 30 grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you (for

the Ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the Colonies of a resolution to lay no more taxes on them, an admission that taxes would touch and grieve them? Is not the resolution of the Noble Lord in the blue ribband, now standing on your Journals, the strongest of all proofs that Parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and Resolutions?

10 The next proposition is—

‘That, from the distance of the said Colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in Parliament for the said Colonies.’

15 This is an assertion of a fact. I go no further on the paper though, in my private judgement, an useful representation is impossible; I am sure it is not desired by them; nor ought it perhaps by us; but I abstain from opinions.

20 The fourth Resolution is—

‘That each of the said Colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court; with powers legally to raise, levy, and assess, according to the several usage of such Colonies, duties and taxes towards defraying all sorts of public services.’

25 This competence in the Colony Assemblies is certain. It is proved by the whole tenour of their Acts of Supply in all the Assemblies, in which the constant style of granting is, ‘an aid to his Majesty;’ and Acts granting to the Crown have regularly for near a century passed the public offices without dispute. Those who have

been pleased paradoxically to deny this right, holding that none but the British Parliament can grant to the Crown, are wished to look to what is done, not only in the Colonies, but in Ireland, in one uniform unbroken tenour every session. Sir, I am surprised that this ⁵ doctrine should come from some of the law servants of the Crown. I say, that if the Crown could be responsible, his Majesty—but certainly the Ministers, and even these law officers themselves, through whose hands the Acts pass, biennially in Ireland, or annually in the Colonies, ¹⁰ are in an habitual course of committing impeachable offences. What habitual offenders have been all Presidents of the Council, all Secretaries of State, all First Lords of Trade, all Attorneys and all Solicitors General! However, they are safe; as no one impeaches them; ¹⁵ and there is no ground of charge against them, except in their own unfounded theories.

The fifth Resolution is also a Resolution of fact—

‘That the said General Assemblies, General Courts, or other bodies legally qualified as aforesaid, have at sundry ²⁰ times freely granted several large subsidies and public aids for his Majesty’s service, according to their abilities, when required thereto by letter from one of his Majesty’s principal Secretaries of State; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have ²⁵ been at sundry times acknowledged by Parliament.’

To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones, so high as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall ³⁰ begin to travel only where the Journals give me light; resolving to deal in nothing but fact, authenticated by

Parliamentary record; and to build myself wholly on that solid basis.

On the 4th of April, 1748, a Committee of this House came to the following Resolution:

5 'Resolved,

'That it is the opinion of this Committee, That it is just and reasonable that the several Provinces and Colonies of Massachuset's Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the Crown of Great Britain the Island of Cape Breton and its dependencies.'

The expenses were immense for such Colonies. They were about 200,000/. sterling; money first raised and advanced on their public credit.

15 On the 28th of January, 1756, a Message from the King came to us, to this effect;

'His Majesty, being sensible of the zeal and vigour with which his faithful subjects of certain Colonies in North America have exerted themselves in defence of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be *a proper reward and encouragement*.'

On the 3rd of February, 1756, the House came to a 25 suitable Resolution, expressed in words nearly the same as those of the Message: but with the further addition, that the money then voted was as an *encouragement* to the Colonies to exert themselves with vigour. It will not be necessary to go through all the testimonies which 30 your own records have given to the truth of my Resolutions. I will only refer you to the places in the Journals:

Vol. xxviii.—June 1st, 1758—April 26th and 30th, 1759
—March 26th and 31st, and April 28th, 1760
—Jan. 9th and 20th, 1761.

Vol. xxix.—Jan. 22nd and 26th, 1762—March 14th and 17th, 1763. 5

Sir, here is the repeated acknowledgement of Parliament, that the Colonies not only gave, but gave to satiety. This nation has formally acknowledged two things; first, that the Colonies had gone beyond their abilities, Parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement 15 is not held out to things that deserve reprehension. My Resolution therefore does nothing more than collect into one proposition, what is scattered through your Journals. I give you nothing but your own; and you cannot refuse in the gross, what you have so often acknowledged in 20 detail. The admission of this, which will be so honourable to them and to you, will, indeed, be mortal to all the miserable stories, by which the passions of the misguided people have been engaged in an unhappy system. The people heard, indeed, from the beginning 25 of these disputes, one thing continually dinned in their ears, that reason and justice demanded, that the Americans, who paid no Taxes, should be compelled to contribute. How did that fact, of their paying nothing, stand, when the Taxing System began? When Mr 30 Grenville began to form his system of American Revenue he stated in this House, that the Colonies were then in

debt two millions six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the Colonies and he expected. The calculation was too sanguine; the reduction was not completed till some years after, and at different times in different Colonies. However, the Taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burthens imposed in consequence of former requisitions were discharged, our tone became too high to resort again to requisition. No Colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the Crown, and the sense of Parliament, on the productive nature of a *Revenue by Grant*. Now search the same Journals for the produce of the *Revenue by Imposition*. Where is it? Let us know the volume and the page. What is the gross, what is the nett produce? To what service is it applied? How have you appropriated its surplus?—What, can none of the many skilful Index-makers that we are now employing, find any trace of it?—Well, let them and that rest together.—But are the Journals, which say nothing of the Revenue, as silent on the discontent?—Oh no! a child may find it. It is the melancholy burthen and blot 30 of every page.

I think then I am, from those Journals, justified in the sixth and last Resolution, which is—

‘That it hath been found by experience, that the manner of granting the said supplies and aids, by the said General Assemblies, hath been more agreeable to the said Colonies, and more beneficial, and conducive to the public service, than the mode of giving and granting aids in Parliament, to be 5 raised and paid in the said Colonies.’

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say, that you were driven by any necessity to an exercise of the utmost Rights of Legislature. You cannot assert, 10 that you took on yourself the task of imposing Colony Taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the State without wounding the prejudices of the people. Neither is it true that the body so qualified, and having 15 that competence, had neglected the duty.

The question now, on all this accumulated matter, is:—whether you will choose to abide by a profitable experience, or a mischievous theory; whether you choose to build on imagination, or fact; whether you 20 prefer enjoyment or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that ground, 25 I have drawn the following Resolution, which, when it comes to be moved, will naturally be divided in a proper manner:

‘That it may be proper to repeal an Act, made in the seventh year of the reign of his present Majesty, intituled, 30 An Act for granting certain duties in the British Colonies and Plantations in America; for allowing a drawback of the duties of Customs upon the exportation from this Kingdom,

of coffee and cocoa-nuts of the produce of the said Colonies or Plantations ; for discontinuing the drawbacks payable on China earthenware exported to America ; and for more effectually preventing the clandestine running of goods in 5 the said Colonies and Plantations.—And that it may be proper to repeal an Act, made in the fourteenth year of the reign of his present Majesty, intituled, An Act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, 10 wares, and merchandise, at the town and within the harbour of Boston, in the province of Massachuset's Bay, in North America.—And that it may be proper to repeal an Act, made in the fourteenth year of the reign of his present Majesty, intituled, An Act for the impartial administration of justice, 15 in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachuset's Bay, in New England.—And that it may be proper to repeal an Act, made in the fourteenth year of the reign of his present 20 Majesty, intituled, An Act for the better regulating of the Government of the province of the Massachuset's Bay, in New England.—And, also, that it may be proper to explain and amend an Act, made in the thirty-fifth year of the reign of King Henry the Eighth, intituled, An Act for the Trial of 25 Treasons committed out of the King's Dominions.'

I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the King's pleasure) it was passed, as I apprehend, with less regularity, and on 30 more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the Restraining Bill of the present Session does not go to the length of the 35 Boston Port Act. The same ideas of prudence, which

induced you not to extend equal punishment to equal guilt, even when you were punishing, induced me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence and accommodation to circumstances, prevent you from taking away the Charters of Connecticut and Rhode Island, as you have taken away that of Massachuset's Colony, though the Crown has far less power in the two former provinces than it enjoyed in the latter; and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the Charter of Massachuset's Bay. Besides, Sir, the Act which changes the Charter of Massachuset's is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the Governor to change the sheriff at his pleasure; and to make a new returning officer for every special cause. It is shameful to behold such a regulation standing among English Laws.

The Act for bringing persons accused of committing murder under the orders of Government to England for Trial is but temporary. That Act has calculated the probable duration of our quarrel with the Colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious Act.

30

The Act of Henry the Eighth, for the Trial of Treasons, I do not mean to take away, but to confine

it to its proper bounds and original intention ; to make it expressly for Trial of Treasons (and the greatest Treasons may be committed) in places where the jurisdiction of the Crown does not extend.

5 Having guarded the privileges of Local Legislature, I would next secure to the Colonies a fair and unbiased Judicature ; for which purpose, Sir, I propose the following Resolution :

‘That, from the time when the General Assembly or 10 General Court of any Colony or Plantation in North America, shall have appointed by Act of Assembly, duly confirmed, a settled salary to the offices of the Chief Justice and other Judges of the Superior Court, it may be proper that the said Chief Justice and other Judges of the Superior Courts of 15 such Colony, shall hold his and their office and offices during their good behaviour ; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in Council, upon a hearing on complaint from the General Assembly, or on a complaint from the Governor, or Council, 20 or the House of Representatives severally, or of the Colony in which the said Chief Justice and other Judges have exercised the said offices.’

The next Resolution relates to the Courts of Admiralty.

25 It is this :

‘That it may be proper to regulate the Courts of Admiralty, or Vice-Admiralty, authorized by the fifteenth Chapter of the Fourth of George the Third, in such a manner as to make the same more commodious to those who sue, or are 30 sued, in the said Courts, and to provide for the more decent maintenance of the Judges in the same.’

These Courts I do not wish to take away ; they are in themselves proper establishments. This Court is one

of the capital securities of the Act of Navigation. The extent of its jurisdiction, indeed, has been encreased; but this is altogether as proper, and is indeed on many accounts more eligible, where new powers were wanted, than a Court absolutely new. But Courts incommode-⁵ ously situated, in effect, deny justice; and a Court, partaking in the fruits of its own condemnation, is a robber. The Congress complain, and complain justly, of this grievance.

These are the three consequential positions. I have thought of two or three more; but they come rather too near detail, and to the province of executive Government; which I wish Parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unre-¹⁵ pealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

HERE, Sir, I should close; but I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester Act, I prove too much; that the grievance from a want of representation, stated in that preamble, goes to the whole of Legislation as well as to Taxation.²⁵ And that the Colonies, grounding themselves upon that doctrine, will apply it to all parts of Legislative Authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority,

I answer, that *the words are the words of Parliament, and not mine*; and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words 5 of an Act of Parliament, which Mr Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of Parliament, formerly moved to have read at your table in confirmation of his tenets. It is true, that Lord Chatham considered these preambles as 10 declaring strongly in favour of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume, that these preambles are as favourable as possible to both, when properly understood; favourable both to the rights 15 of Parliament, and to the privilege of the dependencies of this Crown? But, Sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham Act, which confines the hardship of want of representation to the case of subsidies; and which 20 therefore falls in exactly with the case of the Colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for, whether 25 *de jure*, or *de facto*, the Legislature thought the exercise of the power of taxing, as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the Colonies have, in any general way, or in any cool hour, gone much beyond the demand of humanity in relation to taxes. It is not fair to judge 30 of the temper or dispositions of any man, or any set of men, when they are composed and at rest, from their conduct, or their expressions, in a state of disturbance

and irritation. It is besides a very great mistake to imagine, that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and logical illation. We Englishmen stop very short of the principles upon which we support any given part of our Constitution ; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences ; we give and take ; we remit some rights, that we may enjoy others ; and we choose rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages ; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away *the immediate jewel of his soul*. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who would not risque his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our Constitution wants many improvements, to make it a complete system of liberty ; perhaps none who are of that opinion would think it right to aim at such improvement, by disturbing his country, and risquing everything that is dear to him.

In every arduous enterprize, we consider what we are to lose, as well as what we are to gain ; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These 5 are *the cords of man*. Man acts from adequate motives relative to his interest ; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it ; and they will rather be inclined to respect the acts of a superintending legislature ; when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces : and I confess I feel not the least alarm from the discontents which are to arise from putting people at 20 their ease ; nor do I apprehend the destruction of this Empire, from giving, by an act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights, upon which I have always been taught to value myself.

25 It is said, indeed, that this power of granting, vested in American Assemblies, would dissolve the unity of the Empire ; which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr Speaker, I do not know what this unity means ; 30 nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts, excludes this notion of simple

and undivided unity. England is the head ; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature ; which, far from distracting, promoted the union of the whole. Everything was sweetly 5 and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to 10 America, as far as the internal circumstances of the two countries are the same. I know no other unity of this Empire, than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the 15 present methods.

BUT since I speak of these methods, I recollect, Mr Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the Noble Lord on the floor, which has been so lately 20 received, and stands on your Journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very 25 few words. I shall compress them into as small a body as I possibly can, having already debated that matter at large, when the question was before the Committee.

First, then, I cannot admit that proposition of a ransom by auction ;—because it is a mere project. It is 30 a thing new ; unheard of ; supported by no experience ;

justified by no analogy; without example of our ancestors, or root in the Constitution. It is neither regular Parliamentary taxation, nor Colony grant. *Experimentum in corpore vili*, is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this Empire.

Secondly, it is an experiment which must be fatal in the end to our Constitution. For what is it but a scheme for taxing the Colonies in the ante-chamber of the Noble Lord and his successors? To settle the quotas and proportions in this House, is clearly impossible. You, Sir, may flatter yourself you shall sit a State auctioneer, with your hammer in your hand, and knock down to each Colony as it bids. But to settle (on the plan laid down by the Noble Lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the Constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it. You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarrelling each on its own quantity of payment, and its proportion to others. If you should attempt it, the Committee of Provincial Ways and Means, or by whatever other name it will delight to be called, must swallow up all the time of Parliament.

Thirdly, it does not give satisfaction to the complaint

of the Colonies. They complain, that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them indeed, that you will leave the mode to themselves. 5 I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the Colonies were to lay the duties, which furnished their Contingent, upon the importation of your manufactures; you know you 10 would never suffer such a tax to be laid. You know, too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum nor the mode; nor indeed anything. The 15 whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled? To say 20 nothing of the impossibility that Colony agents should have general powers of taxing the Colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the 25 case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

If all the Colonies do not appear at the outcry, what 30 is the condition of those assemblies, who offer by themselves or their agents, to tax themselves up to your ideas

of their proportion? The refractory Colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient Colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by Parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced, that, in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota, how will you put these Colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious Colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed Colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clue, to lead you out of it? I think, Sir, it is impossible, that you should not recollect that the Colony bounds are so implicated in one another, (you know it by your other experiments in the Bill for prohibiting the New England Fishery,) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America, who thinks that, without falling

into this confusion of all rules of equity and policy, you can restrain any single Colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will ⁵ and must be trifling; and then you have no effectual revenue: or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect besides, that when you have fixed a quota ¹ for every Colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a Treasury Extent against the failing Colony. You must make new Boston Port Bills, new restraining laws, new Acts for dragging men ¹ to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the Empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the Colonies, which one time or other must ² consume this whole Empire. I allow indeed that the empire of Germany raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue, and the worst army, in the world. ²

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed the Noble Lord, who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the Colonies, than ³ for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*.

I say, this scheme of disunion seems to be at the bottom of the project ; for I will not suspect that the noble Lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But 5 whatever his views may be ; as I propose the peace and union of the Colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

COMPARE the two. This I offer to give you is plain 10 and simple. The other full of perplexed and intricate mazes. This is mild ; that harsh. This is found by experience effectual for its purposes ; the other is a new project. This is universal ; the other calculated for certain Colonies only. This is immediate in its 15 conciliatory operation ; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people, gratuitous, unconditional, and not held out as a matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long 20 discourse ; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom ! For my part, I feel my mind greatly disburthened by 25 what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the 30 confusion, and may bring on the destruction, of this empire. I now go so far as to risque a proposal of my

own. If I cannot give peace to my country ; I give it to my conscience.

But what (says the Financier) is peace to us without money? Your plan gives us no Revenue. No! but it does—For it secures to the subject the power of REFUSAL; the first of all Revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of Revenue ever discovered by the skill or by the fortune of man. It does not indeed vote you £152,750 : 11 : 2 $\frac{1}{2}$ ths, nor any other paltry limited sum.—But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca.* Cannot you, in England; cannot you, at this time of day; cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the Colonies? Why should you presume, that, in any country, a body duly constituted for any function, will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all governments in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire which all men have naturally of supporting the honour of their own government, that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated.

And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the politic machinery in the world?

Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the Gamesters; but Government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted, than that Government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained, will be narrow, feeble, uncertain, and precarious. '*Ease would retract
Vows made in pain, as violent and void.*'

I, for one, protest against compounding our demands: I protest against compounding for a poor limited sum, the immense, ever-growing, eternal Debt, which is due to generous Government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst œconomy in the world, to compel the Colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not delude your-

selves—you never can receive it—No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition ; what can you expect ⁵ from North America? For certainly, if ever there was a country qualified to produce wealth, it is India ; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects, on which you lay ¹⁰ your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects, which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments ; she may, I ¹⁵ doubt not she will, contribute in moderation. I say in moderation ; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war ; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. ²⁰ There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British Constitution. My hold of the Colonies is in the close affection which grows from common names, from kindred ²⁵ blood, from similar privileges, and equal protection. These are ties, which, though light as air, are as strong as links of iron. Let the Colonists always keep the idea of their civil rights associated with your Government ;—they will cling and grapple to you ; and no force under ³⁰ heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may

be one thing, and their Privileges another ; that these two things may exist without any mutual relation ;—the cement is gone ; the cohesion is loosened ; and everything hastens to decay and dissolution. As long as you
5 have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply,
10 the more friends you will have ; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But, until you become lost
15 to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the Colonies, and through
20 them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the Empire. Do not entertain so weak an imagination, as that your registers and your bonds, your
25 affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of
30 the mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives

all their life and efficacy to them. It is the spirit of the English Constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

5

Is it not the same virtue which does everything for us here in England? Do you imagine then, that it is the Land Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply which gives you your army? or that it is the Mutiny Bill which inspries it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution—which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us; ²⁰ a sort of people who think that nothing exists but what is gross and material; and who therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master ²⁵ principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth every thing, and all in all. Magnanimity in politicks is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our ³⁰ station, and glow with zeal to fill our places as becomes our situation and ourselves, we ought to auspicate all our

public proceedings on America with the old warning of the church, *Sursum corda!* We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity 5 of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honourable conquests, not by destroying, but by promoting the wealth, the number, the happiness, of the human race. Let us get an American 10 revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now 15 (*quod felix faustumque sit*) lay the first stone of the Temple of peace; and I move you,

‘That the Colonies and Plantations of Great Britain in North America, consisting of Fourteen separate governments, and containing Two Millions and upwards of free inhabitants, have not had the liberty and privilege of electing 20 and sending any Knights and Burgesses, or others, to represent them in the High Court of Parliament.’

[Upon this Resolution, the previous question was put, and carried;—for the previous question 2nd against it, 78.

25 The first four motions and the last had the prevrd question put on them. The others were negatived.]

AMERICAN TAXATION.

ANALYSIS OF THE SPEECH.

Introduction; the two subjects of discussion, viz. probable effect of repealing the Tea Duty, and Historical Enquiry [pp. 5-7].

I. Experience shows that the fear of repeal being used as a lever to obtain fresh concessions is without foundation [pp. 7-10]. The repeal will no doubt, as it is argued, invalidate the Preamble of the original Act; but the Preamble is in itself demonstrably worthless: for the nominal purpose of the taxes is one which they have notoriously failed, and must fail, to achieve [pp. 10-17]. The question at issue is not really one of cash at all: it is a question of principle [pp. 17, 18]: and the principle of the tax was definitely repudiated, by what was virtually the present Ministry, on behalf of itself and of the Crown, in Lord Hillsborough's letter [pp. 19-24]. The repeal of the five taxes was actuated not by commercial but by political motives; and the same argument demands the repeal of the Tea Duty [pp. 25-29].

II. From the earliest times till 1764, taxation of the Colonies by the British Parliament was imposed, never for the purpose of raising revenue, always with the object of protecting British commerce [pp. 29-35]. The idea of taxation for revenue was first conceived by George Grenville, and was generated by the financial position at the close of the war. Character sketch of Grenville [pp. 35-39]. Grenville's taxes of 1764-5. Inability of the Colonies to make grants [pp. 39-44]. Lord Rockingham [p. 44]. Defence of his administration, and of the Repeal of the Stamp Act [pp. 45-52]. Troubles arising from the Stamp Act: misrepresentations [pp. 52-58]. Pacification engendered by its repeal [pp. 58-60]. Formation of Chatham's Ministry: its character, and his [pp. 60-63]. Charles Townshend [pp. 63-66]. His Revenue Act [pp. 66-68].

Conclusion: Let the Act and the Preamble go. Return to your old unimpeachable position. Leave taxation for revenue to the Americans themselves [pp. 68-74]. The Declaratory Act will not be thereby impaired: but the powers it claims demand an extraordinary emergency to warrant their exercise [pp. 74-77]. Peroration [pp. 77, 78].

NOTES.

This speech was delivered on April 19th, 1774. It was not actually published till 1775.

PAGE 5.

6. **who spoke last.** Charles Wolfran Cornwall, who was afterwards made Speaker (in 1780). Until he accepted office under the Government in 1774, Cornwall had acted with the Opposition, being a follower of Lord Shelburne. Hence the sarcastic reference a few lines lower (25).

11. **For nine long years.** The stamp tax was imposed by George Grenville's ministry in 1765; beginning the discussion. The particular tax in question, that on tea, was imposed by Charles Townshend in 1767, seven years before this debate.

12. **occasional arguments**, i.e. arguments adapted to the particular occasion.

20. **disgusting**: the force of this word amounts to little more than "distasteful"; in effect, wearisome.

25. **at the same side of the House**: see note *supra*, l. 1.

PAGE 6.

8. **grounds of deliberation**: subjects to be considered in our deliberations. In ordinary usage to-day, the phrase would mean rather "reasons for deliberating." A modern speaker would probably say "fields."

31. **stick to...most rational**. Note that Burke is not pedantically precise in his expressions. "Stick to" is certainly colloquial; and the strict grammarian requires "more" not "most" rational, when there are only two alternatives.

PAGE 7.

18. **the unpitied calamity**: cf. *Present Discontents*:

"There are few statesmen so very clumsy and awkward in their business, as to fall into the identical snare which has proved fatal to their predecessors."

Cf. also Horace, *Ars Poetica*, 355:

"citharoedus

Ridetur, chorda qui semper oberrat eadem."

21. **management**: practically here equivalent to "diplomatic consideration," or "artifice"; a sense in which the word would hardly be used to-day.

28. **He desires**, etc. The exordium of the speech is finished, and Burke begins on the argument, taking first the immediate reasons for repealing or maintaining the Tea Duty, the ostensible subject of the debate. He examines (1) the objection that if this concession is made, a further series of concessions will be demanded: (2) the objection that by dropping this one tax the objects laid down in the preamble of the Act will be surrendered: (3) the objection that by maintaining this one tax, the principle on which the taxes were imposed continues to be upheld: (4) the objection that the moment when America is in a state of resistance is a wrong moment for concession.

31. **take post on**: establish themselves on it, make it a post from which a new attack could be made.

PAGE 8.

17. **when, departing from**, etc.: by the introduction of Townshend's taxes in 1767. The argument is: the Americans were not incited to demand fresh concessions by the repeal of an unwise tax, but by the subsequent imposition of fresh unwise taxes which made them challenge even the hitherto unchallenged doctrines. Before 1764, taxes had been accepted as being imposed for the regulation of trade: the Stamp Act, and the taxes of 1767, were imposed with the avowed object of raising revenue; and the colonial argument was that no one could be called upon to contribute to the revenue unless, through his representatives—i.e. a parliament in which he was represented—the contribution had been approved.

31. **The ministers are with me**. Of course the ministers were dead against him. Burke is merely driving home the feeble inconsistency of the different poses adopted by them at different times.

PAGE 9.

3. **so much alarmed at**: another example of a disregard for precise rules of composition, which forbid ending a sentence with a preposition.

10. **The Act of 1767**: Townshend's Act. The six articles taxed were, tea, paper, glass, red lead, white lead, and painter's colours. The purposes still more extensive were, the maintenance of a standing army, theoretically as a protection against French aggression.

11. **in its preamble**: cited below, p. 11.

15. **The Ministry**: at that time (1769) Lord North, now Prime Minister, was Chancellor of the Exchequer, having succeeded Townshend in that office. The retention of the sixth tax, that on tea, brought about the resignation of Grafton, the nominal head of the ministry, and the elevation of Lord North to his place. Substantially, however, the new ministry was little changed.

29. **the Minister**: Lord North.

PAGE 10.

10. **that Noble Lord**: Lord North.

28. **He**: not the "him" of two lines above (Cornwall), but North. His repeal of the five taxes was not yet five years old, and had followed three years after the Rockingham repeal of the Stamp Act, which his supporters were now affirming to have proved that any repeal was dangerous in the extreme.

30. **But I hear it**: the attack on the second line of argument here opens. See p. 7, line 28, note.

31. **the Preamble**: the paragraphs laying down the principles and objects of the enactments contained in the various clauses of the Act itself.

PAGE 11.

3. **the preamble...the provisional part**. The preamble states that the object of the Act is to provide an adequate revenue for the accomplishment of certain specified ends, whereas the Act itself fails to make such provision; and further, so far as it originally attempted to make such provision, the effect has already been destroyed by the repeal in 1769. Therefore, Burke argues, the absence of such provision—for which ministers are responsible—is a practical refutation of the very propositions of the preamble which they are so anxious to uphold. To pretend that the main-

tenance of the unproductive Tea Duty maintains also the doctrine of the preamble is ridiculous.

PAGE 12.

8. **on commercial principles**: i.e. for the benefit of commerce. "Do you then," says Burke, "affirming that to repeal a tax on the Colonies is to destroy your government there, pretend that it justifies your own act of repeal to say that it was for the benefit of commerce? No: you knew that the measure was not fraught with the awful consequences you now discover to be implicit in it, that its commercial effect was insignificant."

9. **the paper in my hand**: Lord Hillsborough's letter (cited *infra*, p. 108): published on May 13, 1769, Lord Hillsborough being at that time Secretary of State for the Colonies.

31. **an advantage in Lead**: the argument is—the Americans could not do without lead; they could only buy it from England; therefore, by taxing the import of lead, you would not be diminishing the English trade in lead or encouraging the smuggling of foreign lead. But by taxing tea, which is not an English monopoly, you do encourage smuggling. Further, while lead is not in sufficient demand for an increase in the price to be seriously felt, an increase in the price of tea is seriously felt. Commercially speaking, therefore, a tax on tea is much more objectionable than one on lead.

PAGE 14.

19. **the East India Company**: the affairs of the Company had not been too prosperous since the final retirement from India of Lord Clive in 1767. In the south, Haidar Ali had been troublesome; in Bengal the evils of inefficient administration were aggravated by a destructive famine in 1770. In 1772, the Company had not only found themselves unable to make the obligatory payment of £400,000 to the Exchequer, but were obliged to petition for a large loan. This financial difficulty was a leading cause in the appointment of two East India Committees of Enquiry whose labours issued in Lord North's Regulating Act of 1773. Burke's argument is that the East India Company's difficulties would have been cleared but for the restriction of the tea trade resulting from the tax in the American ports.

27. **your representation your case**. These terms are in direct contrast. "Your case" here means "your real condition."

The reader will misapprehend the passage if he understands "your case" in the advocate's sense of the term, which would make it a mere repetition of "your representation."

28. **The vent of Ten Millions of pounds:** Burke's statement is difficult to follow. On p. 28 he gives £300,000 as the minimum value of an unfettered American demand for tea; the inference would be that the American consumption of tea would not in any case have exceeded two million pounds. That amount therefore, not ten millions, would be the whole of what was locked up "by the operation of an injudicious tax." Also, the £300,000 per annum, estimated in the later passage as the amount certainly lost to the E. I. C. by the tea tax, would have gone far to relieve the financial strain, but would not have entirely met the Company's requirements. It is to be noted, however, that by another preposterous regulation (not this particular "injurious tax") the Company was required to keep in its warehouses a reserve of a year's supply; so that between regulations and taxes considerably more than the ten million pounds was actually locked up. America, however, would only in part have furnished the "vent" which Burke implies she would have provided completely.

PAGE 15.

8. **our East India...acquisitions.** Thirty years before this speech was delivered Great Britain possessed no territory in India. The East India Company merely occupied a few trading stations, as tenant of the Mogul or his satraps. The struggle with the French, 1745—1761, made the Company a territorial and military power in the south. Clive's operations in Bengal, 1757—1767, made it also the administrative ruler of the great province of the Lower Ganges. Since every native state was forced in the nature of things to be an aggressive military power, a very large military and administrative expenditure was entailed, which had to be met out of the Company's revenues. An immense trade was therefore the condition of India paying her own way. For this, tea was the product on which the greatest dependence was to be placed. Hence, "It is through the American trade of tea," which as Burke points out later was not only great but capable of enormous expansion, "that your East India conquests are to be prevented from crushing you with their burthen."

16. **This folly:** for the sake of an utterly insignificant or non-

existent contribution to the Exchequer, you choke the trade on which the Company's prosperity depends, and the Company itself becomes a drain on the Exchequer instead of a handsome contributor to it.

17. **to contraband**: the Americans, while refusing entirely to land the taxed tea at their ports, procured smuggled tea from foreign sources.

29. **Well! but**: Burke proceeds to the third argument (p. 7, line 28, note).

PAGE 16.

5. **the Draw-back**: the system may require some explanation. Tea was not carried direct from India to the colonies: it was brought in the first instance to England where an *import* duty was paid on it. In the same way, *excise* was charged on the paper and glass manufactured in England. But when the tea, paper, or glass were to be exported, the import duty or excise was paid back in whole or in part. But again on arrival at an American port a duty was there imposed. This duty was only one-fourth of the "draw-back"—in effect, the tea, e.g., was taxed only 3*d.* instead of 1*s.* Had the draw-back not been allowed, while the import duty in America had been abolished, the price of tea for the American purchaser would have been greater. Had a draw-back of 9*d.* been allowed, with no further tax, the Americans would have been in the same position, as purchasers, as under the existing system. There was no obligation to allow a draw-back at all; the draw-back was a surrender of revenue for the encouragement of trade: if it had never been granted, there would have been no grievance. But having granted it, and so surrendered revenue, ministers sought by the Act to recover a portion of that revenue from the American direct. It was precisely this which constituted the grievance: when there was no draw-back and no direct tax, it was not the American but the English merchant who contributed to the revenue, though he got his money back from the American customer, as he did from any other consumer. With the draw-back and the tax together, the American could get his tea cheaper, but he was forced to make a direct contribution to the revenue. When the Americans refused to buy the tea at all on those terms, even the remnant of revenue calculated on vanished.

11. **certain litigation**: the certainty of quarrelling: not of "legal proceedings."

PAGE 17.

8. **Mr Hampden...twenty shillings**: the use of the courtesy title of "Mr" was much more customary in the eighteenth century than it is now. We should hardly speak of any pre-Victorian statesman as "Mr." But in the same way Burke and his contemporaries would have referred to General Conway as "Mr Conway." The reference is of course to John Hampden's refusal to pay ship-money. Ship-money, being a charge nominally for the maintenance of the fleet, had been levied on the ports in the past by an exercise of the royal prerogative. Charles levied it all over the country. In 1637, John Hampden, who was assessed at twenty shillings for his property at Stoke Mandeville, refused to pay, on the ground that the levy was unconstitutional. The case went to the courts, when a majority of the judges decided in favour of the King.

27. **not declaratory of a right**: the right itself was affirmed in the Declaratory Act which the Rockingham ministry had passed concurrently with the repeal of the Stamp Act. This would not be invalidated by repealing the remnant of Townshend's Act, the preamble of which Burke describes accurately.

PAGE 18.

2. **quiddity**: primarily a term in the scholastic philosophy for the quality which differentiates one thing from another. The meaning of the term not being particularly intelligible, it came to be used as very nearly equivalent to "figment," as here.

23. **But will you**: Burke proceeds to the fourth head (p. 7, line 28, note).

29. **his new friends**: see p. 5, line 6, note.

30. **about five years ago**: in the spring of 1769. A resolution was brought forward by the Bedford section of the Whigs for giving effect to a statute of Henry VIII (as described) which had long been obsolete through desuetude. The date of the king's speech adopting the proposal was May 9th, and it was followed within a week by Lord Hillsborough's announcement of the intention to repeal a group of the Townshend taxes.

PAGE 20.

15. **These...are...the sentiments...and by which**: it is not always easy to see when the **and** before a relative is correct or ad-

missible. Here it is palpably and painfully redundant. The draftsmen of official documents are frequently blind guides in the matter of grammar.

30. **Peer...taxes...the King's name...supply**: constitutional doctrine appropriates all matters of taxation and supply exclusively to the House of Commons; forbidding the interference therein either of Crown or Peers.

PAGE 21.

30. **Lord Botetourt**: governor of Virginia.

PAGE 22.

30. Here there is a footnote to the text of the speech. "A material point is omitted by Mr Burke in this speech, viz. *the manner in which the Continent [i.e. America] received this royal assurance.*" The Assembly of Virginia, in their address in answer to Lord Botetourt's speech, express themselves thus: "We will not suffer our present hopes, arising from the pleasing prospect your Lordship hath so kindly opened and displayed to us, to be dashed by the bitter reflection that any *future* administration will entertain a wish to depart from the *plan* which affords the surest and most permanent foundation of public tranquillity and happiness. No, my Lord, we are sure *our most gracious Sovereign*, under whatever changes which may happen in his confidential servants, will remain immutable in the ways of truth and justice, and that he is *unable of deceiving his faithful subjects*; and we esteem your Lordship's information not only as warranted, but even *sanctified by the Royal word.*"

33. **the Noble Lord upon the floor**: Lord North, seated on the ministerial front bench, and so on the floor of the house.

PAGE 23.

2. **two only**: Lord Grafton, who was at the head of the ministry, and Lord Camden, who was Chancellor. Grafton resigned at the close of the year when his ministry insisted on the retention of the Tea Tax: Lord Camden followed suit, and was succeeded by Charles Yorke; who, however, immediately afterwards committed suicide, and was succeeded after an interval by Lord Apsley (subsequently Lord Bathurst. See p. 93, line 27, note).

PAGE 24.

8. **mumping**: a term intended to suggest the mumbling voice and cringing tones of the professional beggar.

13. **letter of attorney**: in law a letter conveying full powers of administration of an estate or "power of attorney" to a second party. Lord Hillsborough's letter, Burke says, gives him a corresponding authority.

30. **atlas-ordinary...fool's-cap**: these terms are all technical terms in the paper trade for various qualities or sizes of paper.

PAGE 25.

11. **respecting simply your own commerce**: the word **simply** here must be emphasized. The letter expressly states that the taxes will be withdrawn "on Commercial Principles." Burke's argument is that, *by implication*, these were not the *sole* grounds: that the earlier part of the paragraph is intended to be read as repudiating for the future as well as the past the practice of taxation for revenue. The point was emphasized on p. 21, lines 6 ff., though the inconsistency of that position with the preamble of Townshend's Act is remarked upon.

PAGE 26.

20. **The Isle of Man** was purchased in 1765 by the Crown, having hitherto been a kingdom or lordship held by the Earls of Derby, latterly by the Duke of Athol. It continued, however, after the purchase to retain its own constitution and laws.

PAGE 27.

27. **the principle of which...and which**: the **and which** is here correct, the construction changing.

PAGE 28.

4. **£800,000**: see *supra*, p. 14, line 19, note.

19. **visto**: an error for "vista": which Burke repeats elsewhere; cf. also Gay:

"Then all beside each glade and visto
You'd see nymphs lying like Calisto."

PAGE 29.

5. **Sir**: here Burke enters upon the second main division of the speech, an enquiry into the historical relations between Great Britain and the American colonies.

18. **the Act of Navigation**: Cromwell's Act, of 1651. It forbade the importation of goods unless they were brought either in English ships, or ships of the exporting nation. The Dutch were

thus shut out of rivalry with England in the carrying trade, as far as concerned the English market. There had been previous Navigation Acts of a similar character under the Tudors. Cromwell's Act applied to colonial as well as English ports. Burke's point is, that from that point onwards the advantage of the colonies was always subordinated to the commercial interest of the mother country; and further, that this commercial subordination was the price paid by the colonies for British protection, to which they were thereby entitled without further direct pecuniary claims being made upon them.

PAGE 30.

9. **a Parliamentary revenue**: i.e. the question whether the duties and restrictions imposed brought anything into the exchequer never came under consideration. The sole question was, whether those duties and restrictions were of advantage to English or, after 1707, to British commerce.

12. **revenue laws**: there was nothing in any of the restrictive measures prior to 1764 which implied that they were looked upon by their authors as revenue laws: they were administrative or regulative. The only case which may be cited as an exception is the "Act of the Sixth of George the Second (1733)"; and so far as that counts, it does not affect the present argument, the particular Act having been passed in order to meet the expressed wishes of some colonies; besides which the terms therein taken to imply that it is a Revenue Act are coupled with an express declaration that the purpose of the Act is the better regulation of trade.

26. **1764**: the year in which George Grenville imposed a series of duties with the avowed intention of raising revenue. The Stamp Act itself, which was held over till 1765, introduced an additional innovation, as it was the first case of a tax other than customs duties.

PAGE 31.

7. **Governor Bernard**: the governor of Massachusetts, where the antagonism between the British authority and the Colonial opposition was strongest.

PAGE 32.

4. **from their infancy**. This is not strictly accurate. The date of the Navigation Act was 1651. Virginia, after many failures, had been fairly started as early as 1607. The New England colonies had their beginning in 1620, Massachusetts in 1629.

Exclusive dealing with England was created by Cromwell's Navigation Act. But if the colonies were not then in their actual infancy, they were still, so to speak, in the nursery.

5. **grew with their growth:** Pope, *Essay on Man*, II.

10. **Their monopolist:** England, which, by the Acts, held the monopoly of trade with the colonies.

17. **a hot-bed:** especially in the case of the sugar-producing colonies, in which English capital was largely invested.

24. **outcasts:** this scarcely applies to Virginia, the foundation of which was a commercial affair. Very much the same might be said of Maryland (1632), though that was in some sort an asylum for victims of religious intolerance, especially Catholics. The northern colonies were nearly all the foundation of Puritan refugees.

PAGE 33.

32. **Pentland Frith:** the strait between Caithness and the Orkneys. There is no connexion in idea with the Pentland *Hills* which lie south of the Forth.

PAGE 34.

5. **that part:** the province of Massachusetts, of which Bernard was governor, where at this time British imports were being refused admittance.

26. **the close of the last war:** the war, terminated by the Peace of Paris signed in Feb. 1763, which had torn Canada from France. The real meaning of the new policy, which was put in force by George Grenville, was, that England wanted from the colonies repayment of what she *had* spent on their defence; and with amazing lack of wisdom the claim was based on the need of defence in the future, a need already practically wiped out by the destruction of the French power on the American continent.

PAGE 35.

15. **Mr Townshend:** Charles Townshend, afterwards Chancellor of the Exchequer. Here, however, Burke would seem to refer to 1763.

21. **a person:** George Grenville, who became Chancellor of the Exchequer in the Bedford Administration, which took office shortly after the retirement of Bute in 1763.

PAGE 36.

4. **lean on**: press harshly on.
 24. **it must be**: the correct sequence of tenses would be "it must have been."

PAGE 38.

11. **improper...only irregular**: i.e. there was an increase both in actual smuggling, and in the breaches of the Navigation Act, the latter at least being universally condoned by public opinion. This was followed, as soon as Grenville came into power, by strict enforcement of the Navigation Act—perfectly legal, but needlessly irritating in view of the known popular sentiment.

28. **my Lord Bute**: Bute became First Lord of the Treasury in May, 1762, on Newcastle's resignation. Pitt had resigned the Secretaryship of State in the previous November. Grenville remained First Lord of the Admiralty through these changes. Bute continued to hold his post at the Treasury for a little less than a year, resigning in April, 1763.

PAGE 39.

1. **in the highest department**: i.e. when Grenville was Chancellor of the Exchequer.

6. **coming with**, etc.: this is a list of the enactments of 1763-4. The Admiralty courts superseded the ordinary trial by jury, for the enforcement of the Navigation Act.

16. **did not...merit**: opinions differed on this head. The colonists and the English took fundamentally different views as to the degree of help the latter were entitled to expect, e.g. the Colonies showed a marked disinclination to let their own levies serve beyond their own respective boundaries.

21. **the 18th Act of the Fourth of George the Third**: the Act of 1764, alluded to *supra*, p. 30. The **monopoly** is of course that conveyed by the Navigation Act: while the new taxes were expressly intended not for the regulation of trade but for the raising of revenue.

PAGE 41.

1. **it has been said**: Burke does not endorse this statement. He points out expressly (p. 43) that the Americans did object to the principle at the time. American critics who have protested against this passage seem to have misapprehended Burke, who is only emphasizing—and with justice—the moderation which characterised the first protests.

7. **the duties**: logically, the distinction in principle between port duties and inland duties is not easy to grasp. But the former, in spite of titles and preambles, might always be treated as having a commercial justification, and as no more than an extension of a practice always recognised as legitimate; whereas there could be no pretence even that the inland taxes were imposed in the interests of British commerce, and there was no precedent for them.

PAGE 42.

22. **and which**: this is distinctly illegitimate, the **and** being wholly redundant. The error is one to which both Scott and Thackeray are particularly prone.

24. **He was of opinion**: an opinion quite opposed to Burke's own views. See *Conciliation* [p. 139]. But Grenville, holding that opinion, could not have taken the contradictory line now attributed to him.

PAGE 44.

5. **This was**. Here Burke enters on the third stage of his historical review, the measures of the Rockingham Ministry.

16. **business**: i.e. public employment. So (p. 37, line 4) Burke says that Grenville being "bred to the law,...passing from that study...plunged into **business**," meaning that he became a Government official.

19. **to become connected**: Lord Rockingham made Burke his private secretary.

28. **better than me**: correctly, "better than I."

30. **early in that summer**: the King having dismissed the Bedford-Grenville Ministry, over the affair of the Regency Bill, shortly after the passing of the Stamp Act, the Rockingham Ministry was formed on Pitt's failure to combine the elements which he desired.

PAGE 45.

18. **Mr Yorke**: Charles Yorke, son of Lord Chancellor Hardwicke. At this time he acted with the Rockinghams; but when Camden resigned the seals and Lord North became Prime Minister in 1770, Yorke was induced to accept the office of Lord Chancellor. The consequent attitude of his previous political associates seems to have so preyed upon his mind that almost immediately afterwards he committed suicide.

20. **immediately dispatched orders**: without waiting for the sanction of Parliament, which did not meet for business till the following January.

28. **the Spanish trade**: a great part of that contraband trade which Grenville had taken such unpopular steps to redress, was carried on with the Spanish Colonies in defiance of Spanish regulations. One of the complaints made was, that British men-of-war were employed for the protection of Spanish interests.

PAGE 46.

9. **after the meeting of Parliament**: i.e. some three months after the reports referred to were received. See note *supra*.

29. **on what principle**: was it to be on the ground that the taxes were actually *ultra vires* for the British Parliament: or that, while they were not *ultra vires* they were opposed both to sound political ethics and true commercial expediency? The latter course was adopted, the technical right being asserted in a Declaratory Act accompanying the Act of Repeal.

PAGE 47.

23. **a modification**, etc.: this is not an attack on the whole doctrine of compromise. The measures adopted and approved by Burke were, taken together, themselves a compromise. But there is all the difference in the world between the compromise which reconciles apparently conflicting doctrines, and the compromise which merely amounts to "sitting on the fence."

29. **the Gordian knot**: the story ran that whoever succeeded in untying the knot of Gordius should rule all Asia. Alexander the Great settled the problem by hewing it through with his sword.—Rockingham, says Burke, might have cut the Gordian knot by one measure, or by another have adopted a "modification"; neither alternative would have involved more than a day's debate. He rejected both courses in favour of one which was wiser but did involve discussion.

PAGE 48.

9. **my Honourable Friend under me, and a Right Honourable Gentleman**: William Dowdeswell, Lord Rockingham's Chancellor of the Exchequer; and General Conway, who was leader of the House of Commons in the Rockingham Ministry.

19. **the old mercenary Swiss**: the battalions of supporters whose votes had been bought by places and pensions. Swiss

mercenary troops had been hired to serve in continental armies for three hundred years, and were noted for loyalty and stubborn valour. A few years later, when the Swiss Guard of the French Royal family had been cut down to a man in defending the sovereign, Burke would have hesitated to speak of Swiss mercenaries in terms that implied contempt of any kind.

PAGE 49.

6, 7. **dazzling influence**: that of the king: the eyes of eagles: those of Pitt when he took office again in 1766.

7. **blench**: properly, "cause to blink"; but by a confusion the word came to be used as the equivalent of "blink" itself, and so "flinch."

14. **Lord Chatham**: Pitt, still at that time a Commoner, refused to join the Rockingham Administration, and while vehemently supporting the Repeal of the Stamp Act was not in favour of the Declaratory Act which accompanied it. Rockingham would have greatly strengthened his position if he could have brought Pitt into the Government by dropping the Declaratory Act.

20. **the Honourable Gentleman**: General Conway.

29. **complexion**: temperament.

PAGE 51.

13. **We did fight**: Burke himself made his maiden speech on this occasion.

30. **Hope elevated**, etc. Milton, *Paradise Lost*, ix. 633:

"Hope elevates, and joy
Brightens his crest."

The passage following has been severely, not altogether unjustly, criticised as very ill-judged. But as General Conway was now associated with Lord North, Burke had an object in bestowing exaggerated praise on his conduct in 1766. Conway however, though in receipt of favours from North, never endorsed his American policy.

PAGE 53.

27. **the Address**. The Rockingham Parliament met to hear the Address in Dec. 1765. It did not meet for business till Jan. 14, 1766, when the motion for repeal was brought on.

PAGE 54.

30. **General Gage**: afterwards made Governor of Massachu-

setts on the retirement of Governor Hutchinson. He was also in supreme military command when the war opened.

PAGE 56.

13. **Dr Tucker:** Burke is somewhat unjust to the Dean, whose attitude was hardly one of pure subservience to the Court party. He advocated the coercion of the Colonists; but it was with a view to their subsequent separation from the Mother Country as independent States.

22. **as a stranger:** the Stamp Act was introduced in April 1765. Burke's first appearance in the House of Commons as a Member was in the following December.

PAGE 60.

26. This paragraph opens the examination of the fourth stage.

30. **other actors:** the Rockingham Ministry, in spite of its very creditable record, was a weak one. They could not persuade Pitt to join them and Pitt himself was once more summoned by the king to attempt to form an administration. Previous invitations had failed, because the great Commoner always made it a condition that his brother-in-law, Lord Temple, should take office with him, and no one would consent to work with Temple. Now, however, Pitt broke with Temple. The heterogeneous group which Burke describes in the following page included some of the Rockingham section, some personal adherents of Pitt, and some miscellaneous members from other parliamentary sections, "king's friends," and Bedfords. Grafton was made nominal prime minister; and whatever good might have been extracted from such a composite body if Pitt himself had remained in the House of Commons as its leader and virtual dictator, such good was irretrievably lost when he withdrew to the House of Lords (taking the Earldom of Chatham), and, his health failing completely, left the ministry to take care of itself.

PAGE 61.

4. **respectable:** i.e. respected. This word, like "worthy," has in our time acquired an imputation of "commonplace," which it did not convey a century ago.

PAGE 64.

7. **between wind and water**: i.e. below the normal water-line, on a spot temporarily brought above the water-line when the ship has heeled over: a spot sometimes exposed to the air and sometimes under water.

PAGE 65.

25. **in their excess**: alluding to the ethical doctrine originally laid down by Aristotle that virtue lies in a mean, excess or defect of the particular quality becoming a vice.

28. **disgustful**: distasteful. Cf. the use of "disgusting" (p. 5, line 20).

PAGE 66.

31. **the American distinction**: which had come into being over the Stamp Act. The imposition of port duties might be legal (said the Americans) even when nominally for revenue purposes: but the imposition of inland duties was in any case unprecedented, and unconstitutional. See Introduction.

PAGE 67.

6. **the duty on tea**: hitherto tea, which could only be legally taken to America after being landed in England, had paid a duty of a shilling at the English port, but no further charge had been made at the American port. Under Townshend's Act a drawback of a shilling was allowed on the reshipment of the tea in the English port—being the practical equivalent of removing a shilling tax—but a fresh duty of three-pence was imposed at the American port. (Cf. p. 16, line 5, note.)

11. **exquisite**: equivalent to "excessively ingenious." Cf. Shakespeare, *Twelfth Night*,

"Thy exquisite reason, dear knight?"

23. **who, when they rose...no man living**: note the change in the formation of the sentence, which leaves the **who** suspended. To make the whole sentence grammatically correct, **who** should have been **of whom**.

27. **sequel**: sequence.

PAGE 68.

2. **Hear-him**: a form which has given place to "Hear! Hear!"

PAGE 69.

i. on a former occasion: in a speech on May 8th, 1770, on moving a series of resolutions "relating to the disorders in North America."

ii. A Secretary of State: referring to Lord Hillsborough's letter.

20. On this state: i.e. on this statement of the case, on the position as thus stated.

28. some profitable wrong: if it must be for a wrong, at least let the wrong be profitable.

PAGE 70.

16. On this: the original phrase of which this is a variant was that of Archimedes, who said he could move the world with a lever if he was given a fulcrum.

PAGE 71.

i. *summum jus*: *summum jus summa injuria*. The worst wrong is a moral wrong justified on the ground of its technical legality.

ii. the penal Bills: notably, the Boston Port Act, an Act removing from the jurisdiction of Massachusetts the trial of officials charged with acts of violence under colour of duty, an Act partly revoking the Massachusetts Charter, and an Act for quartering troops in the Colonies. All these bills were passed.

PAGE 73.

15. A Noble Lord: Lord Carmarthen.

21. England is not free: Burke's argument is, that the fact of *hiatus* existing in English representation in Parliament does not negative the general principle, that to tax those who are unrepresented is against the spirit of the Constitution.

PAGE 78.

18. My excellent and honourable friend: Dowdeswell, Rockingham's Chancellor of the Exchequer, now sitting on the Opposition Front Bench, below Burke.

CONCILIATION WITH AMERICA.

ANALYSIS OF THE SPEECH.

Introduction. Fluctuations of opinion about the Colonies; consistency of Burke's own principles [pp. 81, 82]. Called upon to formulate a scheme for reconciliation [pp. 83, 84]. Nature and principles of the scheme proposed. Practicability of conciliation and concession [pp. 85-88].

Review of the Condition of America. Expansion of the Colonies in population and commerce [pp. 89-95]. Agriculture and Fisheries [pp. 95-97]. Digression on the futility of Force as a remedy [pp. 97-99]. The American Character: inherited devotion to Liberty [pp. 99-102] and Puritan ideals [p. 102]. Effect of slaveholding [p. 103]. Influence of their legal training [p. 104]. Effect of distance [pp. 105, 106].

Problem of dealing with such a People; failure of past experiments [pp. 107-109]. The three conceivable courses of Action: to alter the conditions, coercion, concession [p. 110]. Alteration, by restriction of growth [pp. 111-113], by enfranchisement of slaves [pp. 114, 115]. Coercion [pp. 115-119]. Concession. The Right of Taxation is beside the question [pp. 119-122]. Contradictions of the Ministerial attitude [pp. 122-125]. Precedents of Ireland [pp. 126-128], Wales [pp. 128-130], Chester [p. 131] and Durham [p. 132]. The practical application [pp. 132-134].

The six fundamental propositions of fact [pp. 135-143]. The three Resolutions of Action [pp. 143-147]. Objections dealt with [pp. 147-151]. Criticism of North's "ransom by auction" [pp. 151-156]. Comparison of the two methods [pp. 156-159]. Peroration [pp. 159-162].

NOTES.

The speech on American Taxation was made in the course of debate, in support of a motion introduced by Rose Fuller. This, on Conciliation, opened a debate; introducing a series of Resolutions. A certain difference of manner is therefore intentional. In the previous speech, it was of importance to get promptly to close quarters: to rouse Members who were beginning to feel the thing monotonous; to force keen and alert attention from the outset. Here, the minds of Members have first to be brought, so to speak, into tune; the way has to be prepared for the controversial or debating oration. Therefore the introductory matter is much more prolonged and altogether ceremonious.

PAGE 81.

6. **to superstition**: inclined, that is, to be heedful of omens.
8. **the grand penal Bill**: "The Act to restrain the Commerce of the Provinces of Massachuset's Bay and New Hampshire, and Colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such Provinces and Colonies from carrying on any Fishery on the Banks of Newfoundland, and other places therein mentioned, under certain conditions and limitations." (Footnote to the original text.)
22. **incongruous mixture**, etc.: Burke does not mean that **coercion and restraint** are incongruous with each other, but that they form an incongruous mixture with **conciliation**. At the close of the speech on Taxation—published not three months before—he had spoken of the danger of spoiling the good effect of a measure of Repeal by joining it with measures of "restraint and coercion" (see p. 71). The same danger would have recurred if the Resolutions he was now proposing should be accompanied by a new measure of restraint and coercion. As this latter Bill was returned by the Upper House, the Commons were under no necessity of passing it and thereby spoiling the effect of the Resolutions.

PAGE 82.

2. **When I first:** in the Rockingham Ministry. Burke made his maiden speech in the House on Jan. 14, 1766, in the Debate on the Address, which foreshadowed the Repeal of the Stamp Act. The Repeal was subsequently carried by 275 to 161.

PAGE 83.

14. **the beginning of the Session:** there had been a general election in Sept. 1774: but the active business of the session had not begun till January.

15. **a worthy Member:** Rose Fuller, who had brought forward the motion in support of which Burke had delivered the Speech on American Taxation.

20. **our former methods:** the methods, that is, formerly adopted by the Opposition.

PAGE 84.

5. **platform of the ground:** plan of the ground. Cf. Bacon: "I have made a platform of a princely garden." The phrase is to be distinguished from the modern use of the term *platform* = programme, the "planks" on which the orator takes his stand.

13. **into: sic:** "gave in to" is however evidently the correct form, "give in" being a single phrase.

20. **disreputably:** to the injury of the speaker's reputation. Burke does not mean that the speaker is guilty of what we mean by "disreputable" conduct.

PAGE 86.

4. **unsuspecting confidence, etc.** This phrase was used by the Philadelphia Congress in 1774. Burke repeats the reference three years later in the "Letter to the Sheriffs of Bristol," and dwells upon it with emphasis. This unsuspecting confidence, the Congress said, had been restored by the Repeal of the Stamp Act; the implication of course is that the policy of which that Repeal was then the expression is now to be revived.

10. **Refined policy:** cf. *American Taxation*, p. 67, line 11. "This fine-spun scheme had the usual fate of all exquisite policy."

22. **the Project:** Lord North's Conciliatory Proposals, which were actually forwarded to the Colonies, to be rejected, not without contempt. The original text gives the Resolution in a footnote. It was passed on Feb. 27, three weeks before Burke's present

speech.—“That when the Governor, Council, or Assembly, or general Court, of any of His Majesty’s Provinces or Colonies in America shall *propose* to make provision, *according to the condition, circumstances, and situation*, of such Province or Colony, for contributing their *proportion* to the *Common Defence* (such proportion to be raised under the Authority of the General Court, or General Assembly, of such Province or Colony, and disposable by Parliament), and shall engage to make provision also for the support of the Civil Government, and the Administration of Justice, in such Province or Colony, it will be proper, *if such Proposal shall be approved by his Majesty, and the two Houses of Parliament*, and for so long as such Provision shall be made accordingly, to forbear, *in respect of such Province or Colony*, to levy any Duty, Tax, or Assessment, or to impose any further Duty, Tax, or Assessment, except such duties as it may be expedient to continue to levy or impose, for the Regulation of Commerce; the *nett* produce of the Duties last mentioned to be carried to the account of such Province or Colony respectively.” This Resolution forms the text of several sarcastic references in the course of the speech: towards the close of which Burke subjects it to a very severe criticism.

23. **in the Blue Ribband:** the Riband of the Order of the Garter, of which North became a member in 1772. Walpole was the only previous Knight of the Garter in the House of Commons.

It does not propose: Burke later explains how and why there would be various results of the Resolution if an attempt were made to give it practical effect.

PAGE 87.

14. **That right thus exerted, etc.:** that is, Lord North’s Resolution implies that the methods at present in force do give grounds for complaint which are not altogether without justification. It does so, by suggesting that some alteration should be made in those methods; it does so very emphatically, inasmuch as the alteration it actually puts forward is a radical change from anything hitherto attempted. A scheme so novel and so unprecedented could not have been proposed on any trivial pretext.

PAGE 88.

17. **Indeed, Sir:** the remainder of this paragraph is a clear exposition of the leading principle of Burke’s political theory—that as a practical matter it is the business of the statesman to treat

affairs, not in the abstract, but as they are affected by external circumstances and conditions which have a positive existence. He has to make the best he can out of imperfect and limited materials; if he ignores the limitations, disaster must follow.

PAGE 89.

2. **the number:** Burke's computation is in exact agreement with that of the American historian Bancroft: which shows also that both the white and the black populations in America were doubling themselves in about twenty-five years.

27. **occasional:** i.e. adapted to the moment, without consideration for the future. Cf. p. 5, line 12, "occasional arguments and temporary expedients."

29. **Minima:** alluding to the maxim *De minimis non curat lex*: the law does not take what is insignificant into consideration.

PAGE 90.

14. **a distinguished person:** Richard Glover. He was a commercial gentleman of high standing, who achieved a considerable reputation as a poet by his *Leonidas*, an epic poem.

15. **Thirty-five years:** 1739, the year in which Walpole was forced to declare war against Spain—the war known as that of "Jenkins's Ear." Perhaps Burke was thinking of Glover's appearance in the House in 1742, as a representative of a group of merchants who presented a complaint in that year.

PAGE 91.

12. **Davenant:** Charles Davenant. He was something of an economic authority during the reigns of William and Anne, being appointed Inspector-General of exports and imports in 1705.

16. **The African:** is included as Colonial, as being connected almost exclusively with the Slave Trade, which had its terminus in the Colonies.

PAGE 92.

8. **from Scotland:** before the Treaty of Union in 1707 Scottish trade was terribly hampered by not being on the same footing with that of England. The abolition of this inequality by the Union gave an immense impulse to Scottish trade.

12. **twelve-fold:** the arithmetician will perceive that this is a slight overstatement. The increase is not quite eleven-fold; and omitting Scotland, a trifle under ten-fold.

PAGE 93.

5. **Our general trade:** the general trade, exclusive of the Colonies, had not quite doubled; including the Colonies, it had almost trebled. The actual (not only the relative) increase of Colonial trade had been greater than the actual increase of all the rest.

27. **Lord Bathurst:** the aged Earl of Bathurst was now in fact ninety. Born in 1684, he was twenty at the date of which Burke speaks, and entered Parliament only a year afterwards; was associated for many years with prominent men of letters, from Congreve to Sterne; was raised to the peerage in 1722, and received an Earldom forty years later. His son—Baron Apsley at the time of Burke's speech—was Lord Chancellor, having succeeded Yorke in that office after an interval in 1771. The old Earl died during 1775, and Lord Apsley became Lord Bathurst.

PAGE 94.

3. **in the fourth generation:** George III was the grandson of George II: the representative of the third generation—"Fred. Who was alive and is dead"—died before his father.

7. **was to be made:** by the Union in 1707.

22. **taste of death:** for the phrase cf. *Julius Caesar*, "The valiant never taste of death but once."

PAGE 95.

15. **at your bar:** by Glover, speaking at the bar of the House.

16. **your envy:** the concession of the Whale Fishery to the Americans was one of the few benefits owed to George Grenville. It would appear that when the matter was "opened" by Glover at the bar of the House ten years later, the House was inclined to **cavil**, instead of being pleased.

25. **Hudson's Bay:** named after Henry Hudson, who explored it in 1607. It had actually been reached by Sebastian Cabot ninety years before. **Davis's Straights:** discovered by John Davis in 1585.

27. **they have pierced:** the English whalers were not long in following their American cousins: ships were sent in the course of this year.

29. **the frozen Serpent:** a constellation within the Antarctic Circle, known as *Hydrus* or the Water-Serpent.

Falkland Island: a group, discovered by the Elizabethans, but not occupied till 1763, when the French established themselves at Port Louis. They were regarded as of no account till they acquired a value in connexion with the southern Whale Fishery.

PAGE 98.

1. **complexions:** temperaments.
29. **whole America:** America hale and whole, not "depreciated, sunk, and wasted."
32. **a foreign enemy:** this was precisely what happened. After the war with the Colonists had lasted for three years, from 1775 to 1778, France joined in, and a year later Spain followed suit. But for the achievements of Rodney and Hood in the West Indies, the position won for Britain by Pitt in the great naval war would have been irremediably lost.

PAGE 100.

8. **when this part:** this applies more particularly to the Puritan colonies—New England and others—established from 1620—1636 by Englishmen whose non-conformity was made a burden to them in the Mother Country.

18. **freedom...Taxing:** this is very generally true. From the time of the Edwards at least, the Parliaments, on whatever other points they might give way, never failed to maintain their right to control the purse-strings. But it was the question of religion, not of taxation, which drove the Pilgrim Fathers to America. When the taxing business came up, the Puritans did not emigrate—they fought. But then they were no longer an oppressed minority: they were part of a majority. The spirit actuating them was the same in both cases. In effect, the Colonials were at any rate in large part the descendants of the Parliament men, and derived their theories of liberty from them.

PAGE 101.

31. **merely popular:** exclusively popular. This applies practically to the whole northern group, the New England Colonies and New York. The least democratically constituted were the five southern or royal Colonies. But in essence, all the Governments were popular, self-controlled.

PAGE 102.

4. **If anything were wanting**: the character of their religion is the third factor forcing the Americans to be lovers of liberty—the first being their descent from the devotees of liberty, the second those popular institutions which foster it. It should be noted however that while the northern group were mainly populated by Calvinistic sectarians, and Pennsylvania was of Quaker origin, Maryland was largely Roman Catholic, and the southern group were for the most part Church of England. Still the temper almost everywhere was Protestant if not Puritan; a fact very recently exemplified by the indignation aroused by the Quebec Act, intended for the relief of the French Catholics in Canada.

PAGE 103.

14. **Sir, I can perceive**: so far as this third factor does not apply to the Southern Colonies, the lack of it is compensated by the special inducements to political self-assertion which characterises all slave-owning corporations or polities. The slave-owner is, for himself, of all men the most liberty-loving.

28. **as broad, etc.**: *Macheth*; “As broad and general as the casing air.”

PAGE 104.

7. **Gothick**: our ancestors—Angles, Saxons, Jutes, or Danes were akin to the Goths, but not to be identified with them.

8. **the Poles**: until the decade in which Burke was speaking. Frederick of Prussia had just accomplished his scheme of partitioning Poland, and the old Polish constitution was no more (1772).

12. **another circumstance**: the fifth factor—education.

PAGE 105.

4. **my Honourable...Friend**: Thurlow, at this time Attorney-General. He became Baron Thurlow and Lord Chancellor in succession to Lord Bathurst (Apsley).

11. **Abeunt studia in mores**: Ovid, *Heroid*. Their studies issue upon, take effect on, their practices.

21. **The last cause**: the sixth factor—distance from the external controlling power. The force of this is in fact somewhat difficult to realise, with our rapid communications. In Burke's day it took as long to communicate by post with Edinburgh as it does now to do so with Washington. “Events passed while correspondence

that would now be settled by a couple of telegrams was occupying months: before the reply to a dispatch was received, the conditions under which the dispatch had been written might be completely altered."

29. **winged ministers of vengeance**: ships of war, likened to the eagle represented as grasping the lightnings of Zeus in its *pounces* or talons, the *ministrum fulminis alitem* of Horace (*Odes*, IV. 1).

PAGE 107.

13. **with all, etc.**: *Hamlet*.

31. **derived**: seemed to derive; since apparently it was in the power of the Crown to suspend the activities of the Assemblies by suspending the Assemblies themselves.

PAGE 108.

10. **Some provinces**: notably Massachusetts and Virginia. On June 1st, 1774, Lord Dunmore, the Governor of Virginia, dissolved the "House of Burgesses." They assembled again on their own responsibility. The same thing happened in Massachusetts. The result of the deliberations of these Assemblies was the calling of a General Continental Congress at Philadelphia in September. In October the Massachusetts Assembly was called by the Governor, who however then countermanded the writs for the elections. Nevertheless, the elections were held. The Assembly met: the Governor ignored it. The Assembly resolved itself into a Provincial Congress, and proceeded to form a Committee of public safety to organise military measures, and a Committee of supplies. The instructions issued were obeyed implicitly.

16. **Lord Dunmore**: the Governor of Virginia.

PAGE 109.

3. **we abrogated**: not with a view to introducing anarchy. Under the Charter, the Council, judges, and other officials were appointed by the Assembly: when the Charter was abrogated, the power of making these appointments was revoked to the Governor. But nearly the whole of the Council so appointed refused office, or if they accepted resigned immediately: and the judges were not allowed to sit. The result would have been anarchy, but the public acknowledged instead the authority of the Assembly which was not legal but was perfectly effective.

PAGE 111.

22. **Apalachian**: more familiarly known as the Alleghanies.

PAGE 114.

7. **burn their books**: like the Ephesians, Acts xix. 19, "Many of them also which used curious arts brought their books and burned them before all men."

8. **chargeable**: costly.

PAGE 115.

13. **Ye gods, etc.**: cited as a typical piece of rhodomontade by Martinus Scriblerus, from whom Burke doubtless borrowed it.

PAGE 116.

8. **Sir Edward Coke**: the famous lawyer, who was Attorney-General in 1603, conducted the case against Sir Walter Raleigh, who was charged with treason in connexion with what were called the Main and Bye Plots, the object of which was to set Arabella Stuart on the throne in place of James I. It may be remarked that "to apply the ordinary ideas of criminal justice to this great contest" would not have involved the adoption of Coke's methods, which no modern advocate would attempt to emulate. This is the style in which the Attorney-General addressed the prisoner:—"Nay, I will prove all: thou art a monster; thou hath an English face but a Spanish heart."—"You are the absolutest traitor that ever lived."—"All that he did was by thy instigation, thou viper; for I 'thou' thee, thou Traitor." According to all modern English views, the evidence produced against Raleigh was quite worthless: nevertheless he was condemned.

31. **ex vi termini**: from the very meaning of the term.

PAGE 118.

17. **had addressed**: i.e. presented an address.

PAGE 120.

3. **startle**: start.

22. **Serbonian bog**: *Paradise Lost*, II. 592. Cf. Herodotus, III. 5: "From Irenus as far as the lake Serbonis, near which Mount Casius stretches to the sea, belongs to the Syrians: and from the lake Serbonis, in which Typhon is reported to have been concealed, Egypt begins." **Damiata** is now called Damietta.

PAGE 121.

10. **unity of spirit**: the phrasing is suggested by 1 Cor. xii. 4-6, "Now there are diversities of gifts, but the same Spirit. And there are differences of administrations, but the same Lord. And there are diversities of operations, but it is the same God which worketh all in all."

19. **million**: so "hundred" and "thousand" do not take *-s* in the plural. It has now, however, become customary to write "millions."

PAGE 122.

24. **a Gentleman**: George Rice; a respectable gentleman, who had at this time been sitting in the House for twenty consecutive years.

PAGE 123.

29. **the pamphlet**: Dean Tucker's pamphlet, before alluded to, p. 56, line 13.

PAGE 125.

31. **of the Austrian family**: the House of Habsburg. On the death of Ferdinand the Catholic, King of Aragon, in 1516, his grandson—who became the Emperor Charles V—succeeded. Being already King of Castile, he was now Charles I of Spain. The Spanish succession came to him in right of his mother Joanna, his father (Philip I of Castile) being the son of the Habsburg Emperor Maximilian. The line ended with Charles II in 1700. The great war of the Austrian succession followed, resulting in the recognition as King of Spain of the Bourbon prince Philip, grandson of Louis XIV of France. **Philip II**, the great antagonist of Elizabeth of England, died in 1598. The period to which Burke refers, therefore, might be otherwise expressed as "throughout the seventeenth century."

PAGE 126.

13. **Ireland**: the first example to show that the condition of successful government is the concession of constitutional liberties. Ireland was nominally "conquered" by Norman adventurers from England in the reign of Henry II. But though they established themselves in various parts of the country, most of them became "more Irish than the Irish," the Fitzsures translating their name into Erse as McMahons, the De Burghs becoming Burkes, and so on. Government on English analogies only extended over the district known

as "the Pale," consisting only of Dublin and the nearest counties. Elsewhere, the great chiefs or barons, though recognising the overlordship of the English Crown, ruled mainly in accordance with the traditional native Irish system.

25. **Magna Charta**, etc. : the Great Charter of King John certainly did not give us a House of Commons. That institution is generally described as having first taken shape in the following reign of Henry III, at the instance of Simon de Montfort, though the Commons had occasionally been consulted after a fashion before that date.

PAGE 127.

2. **Your standard**, etc. : i.e. you would not control beyond the limits within which you had extended privileges.

3. **Sir John Davies** (more correctly Davies) : in a tract of 1612, *Discoverie of the true Causes why Ireland was never entirely subdued until the beginning of His Majestie's happy reign*—i.e. until James I had instituted the policy of conciliation after Tyrone's rebellion. Davies was appointed Solicitor-General for Ireland in 1603, and studied the country carefully. He is also known as a poet, chiefly through a poem called *Nosce teipsum*.

7. **in the reign of Queen Elizabeth** : throughout the Tudor period, efforts to govern Ireland by recognising the authority of the great chiefs alternated with attempts to enforce English law at the point of the sword, but always with insufficient troops. In Elizabeth's reign, the latter plan was varied by permitting Englishmen to plant "colonies," large grants of land being made in which the colonists had practically a free hand.

20. **usurpation** : i.e. under the Commonwealth.

23. **that it is** : Ireland, however, was by no means content with its condition, which was still one of excessive subordination.

PAGE 128.

5. **no other fund** : i.e. the funds providing for the Irish pensioners were provided by the vote of the Dublin Parliament.

10. **Wales** : even in the time of the Saxons the English kings attempted to enforce their overlordship in Wales; and one after another of the Norman kings attempted to subdue it. This feat was virtually accomplished by Edward I, who broke the power of the great prince Llewellyn, and gave his own son the title of Prince of Wales. The country, however, was never in complete

subjection during the next two hundred years, at the end of which Henry Tudor, a Welshman on the father's side, ascended the English throne.

17. **Lords Marchers**: an institution much earlier than Edward I. In effect they were military governors with absolute power in their own districts. They had not, however, been rulers of all Wales, but of the Welsh Marches.

PAGE 129.

22. **incubus**: nightmare.

PAGE 130.

3. **Twenty-seventh year**: 1535.

22. **stimul alba nautis**: Horace, *Odes*, I. xii. 27.

28. **The very same year**: 1543.

County Palatine: in these Counties, their respective rulers had royal rights. They were constituted primarily as being districts in which the danger of invasion made it necessary to give the earls exceptional powers of action, being open to attack either from Wales (like Chester) or from Scotland (like Durham). Thus Chester had its own legislature, but this was subordinate to the national Parliament in which it was unrepresented.

PAGE 131.

1. **Richard the Second**: the Palatinate of Chester was in the hands of the Crown. That of Durham remained with the Bishop till 1836.

7. **shewen**: the then surviving form of the 3rd person plural.

13. **disherisons**: disinheritments.

PAGE 133.

5. **a tenth part**: see *supra*.

11. **virtually**: i.e. it was argued that American opinion was able to exercise so much influence as to be equivalent to representation.

27. **Opposuit natura**: Burke breaks off, assuming that the quotation was so well known that it was needless to complete it. He would hardly have ventured to make that assumption in the House of Commons to-day. The quotation is from Juvenal, x. 152, of Hannibal's invasion of Italy:

"Opposuit natura Alpemque nivemque."

Hannibal removed the barriers:

"Diducit scopulos, et montem rumpit aceto."

Burke professes himself unable to do so.

PAGE 134.

2. **is not shortened**: "Behold, the Lord's hand is not shortened, that it cannot save," *Isaiah* lix. 1.

12. **imaginary commonwealths**: the three cited belong to two quite different classes. The *Republic* of Plato is an ideal built up as being logically the best conceivable form of State, but one which could by no possible means be actualised; the *Utopia* portrays such a State as might be imagined to have come into being in a remote corner of the world: the *Oceana* was intended to suggest an actual, practical working model. Neither Plato nor More, if they had had the opportunity of founding a colony, would have attempted to give it the form of the Republics they imagined. Harrington probably would.

15. **Treads daily on it**: the correct quotation runs "treads on it daily," Milton, *Comus*, 633. Burke implies that he has a remedy as effective as the wondrous herb haemony.

PAGE 135.

7. **temple of British concord**: a reference to one of those temples erected in Rome and dedicated to "Concord," of which the first was raised by Camillus to celebrate the reconciliation between Patricians and Plebeians after the episode of the Licinian Rogations.

13. **such facts as draw...conclusions**: a rather curious expression. Facts involve or convey conclusions; it requires an intelligent agent to draw conclusions from facts.

PAGE 136.

15. **Non meus**: Horace, *Sat.* ii. iii. 2. The Latin text has *Nec meus hic sermo est.*

21. **profanation**: the reference here is to Exodus xx. 25, "And if thou wilt make me an altar of stone, thou shalt not build it of hewn stone; for if thou lift up thy tool upon it, thou hast polluted it."

23. **the ingenuous and noble roughness**: Burke was evidently thinking of Juvenal, III. 18-20:

"Quanto praestantius esset
Numen aquae, uridi si margine clauderet undas
Herba, nec ingenuum uiolarent marmora tophum."

26. in the tracks: a rendering of the old phrase *stare super antiquas vias*.

30. the form of sound words: 2 Tim. i. 13, "Hold fast the form of sound words, which thou hast heard of me."

PAGE 137.

25. the **Sixth of George the Second**: the Act of the 6th year of George II, 1733.

PAGE 138.

5. the **resolution**: Lord North's resolution, passed three weeks before. See note on *the Project*, p. 86, line 22.

33. **Those who have been pleased**: e.g. George Grenville. Cf. *American Taxation*, p. 42. "He was of opinion, which he has declared in this House an hundred times, that the Colonies could not legally grant any revenues to the Crown; and that infinite mischiefs would be the consequence of such a power."

PAGE 139.

7. I say, that, etc.: the sentence is intentionally elliptical. The full construction would be, "his Majesty would be, but certainly the Ministers...are in an habitual course," etc.

PAGE 140.

11. **Cape Breton**: one of the captures of French territory effected in the French war of 1744—1748. Conquests in America and India were mutually restored under the Peace of Aix-la-Chapelle towards the close of 1748.

PAGE 149.

4. **illation**: inference.

20. **purchase** = purchase-money—a curious use of the word.

21. **the immediate jewel**: *Othello*, III. 3. 156,

"Good name in man and woman

Is the immediate jewel of their souls."

22. **Though a great house**, etc.: slaves may be proud of being attached to a magnificent establishment, but it is not worth while to barter freedom for an externally gorgeous servitude.

PAGE 150.

5. **the cords of man**: *Hosea xi. 4*, "I drew them with cords of a man, with bands of love."

PAGE 151.

30. **ransom by auction**: see the text of Lord North's resolution in the note on the *Project*, p. 86. The scheme was that any colony offering a contribution to the revenue which the home Parliament regarded as adequate should be relieved from all British taxes for revenue purposes. Burke's phrase of course implies that relief would be given only to the highest bidders.

PAGE 153.

30. **the outcry**: the opening of the auction.

PAGE 155.

13. **a Treasury Extent**: a writ for the valuation of property to satisfy a Crown debt.

PAGE 157.

14. **Posita luditur area**: Juvenal, 1. 90, of gamesters who play staking all their possessions.

PAGE 158.

20. **Ease would retract**, etc.: *Paradise Lost*, iv. 90. "Retract" is a slip for "recant."

24. **the immense...Debt**. From the same speech of Satan:
 "The debt immense of endless gratitude,
 So burthensome, still paying, still to owe."

PAGE 159.

4. **Bengal**: on the occasion referred to p. 14, line 9, where see note on the East India Company.

27. **light as air**: *Othello*, III. iii. 323.
 "Trifles light as air
 Are to the jealous confirmations strong
 As holy writ."

PAGE 161.

8. **Land Tax Act**: the Land Tax contributed a very much larger share to the revenue than it does at the present day, amounting to about one-third of the whole.

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